

# **Staff Report**

## **San Luis Obispo County Airport Land Use Commission**

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**DATE:** October 19, 2005

**TO:** AIRPORT LAND USE COMMISSION

**FROM:** BILL ROBESON, COUNTY PLANNING AND BUILDING

**REFERRING AGENCY:** CITY OF SAN LUIS OBISPO:  
Michael Codron, Planner; Applicant, Randy Jenson,  
William Tickell and City of SLO; City File Numbers: ER  
114-02 and PD 151-03

**SUBJECT:** A MANDATORY REFERRAL FOR DETERMINATION OF CONSISTENCY OR INCONSISTENCY FOR THE FOUR CREEKS REZONING PROJECT. THE SITE CONSISTS OF SEPARATELY OWNED PARCELS TOTALING 22.92 ACRES AND 3 PROJECT COMPONENTS. HOWEVER, THE PROPOSED REZONING WILL BE REVIEWED BY YOUR COMMISSION AS ONE PROJECT AND ESSENTIALLY ONE PROPERTY.

THE APPLICANTS ARE PROPOSING TO AMEND THE ZONING DESIGNATION FROM C-S-S (SERVICE COMMERCIAL SPECIAL CONSIDERATIONS) AND M-PD (MANUFACTURING PLANNED DEVELOPMENT SPECIAL CONSIDERATIONS) TO R-4-S (HIGH DENSITY RESIDENTIAL SPECIAL CONSIDERATIONS) TO R-4-PD (HIGH DENSITY RESIDENTIAL PLANNED DEVELOPMENT). THE REZONING OF THE PROPERTY WILL RESULT IN A DEVELOPMENT PROPOSAL THAT INCLUDES 268 DWELLING UNITS (264 new dwelling units with 4 existing residences to remain) AND 10,000 SQUARE FEET OF COMMERCIAL SPACE.

THE PROJECT SITE IS LOCATED SOUTHEAST OF THE INTERSECTION OF BROAD STREET (HWY 227) AND IS LOCATED IN SAN LUIS OBISPO AIRPORT SAFETY AREA S-2.

### **RECOMMENDATION**

Recommend a determination of Consistency for the rezoning of the "The Four Creeks Rezoning Project" to the City of San Luis Obispo based on the following:

**Finding:** The rezoning of the subject parcels is consistent with the San Luis Obispo County Airport Land Use Plan (ALUP) because the maximum density of residential and non-residential development proposed will not exceed the limitations provided by Table 7 of the San Luis Obispo County Regional Airport Land Use Plan and all other applicable ALUP policies can be satisfied.

## PROJECT DESCRIPTION

Proposal: Mandatory referral for determination of a change in zoning.

### San Luis Obispo County Regional Airport Plan

Airport Land Use Areas: The site for the proposed rezone is located in Safety Area S-2, a small portion of the site is within the 50dB noise contour and the entire site is outside the Single Event Noise Contours.

### Setting

Existing Uses: mostly vacant with some existing buildings: the Broad Street Parcels component has 4 existing residences that will remain.

Site Area: 22.92 acres

### Discussion

During the processing and review of a rezoning project, the ALUP (Airport Land Use Plan) focuses on the number of people per acre for commercial components and number of dwelling units per acre for residential components. In this case the number of people allowed by the ALUP for the non-residential or commercial uses are 150 people per acre. The non-residential density proposed is approximately 50 people associated with the 10,000 square feet of commercial space (1 person per 200 square feet). The residential density is allowable for the 22.92 gross acres is 275 dwelling units and the proposed number is 268.

The final use component that your Commission must review is a 2,400 square foot day care facility. According to Table 7 of the ALUP, the day care use (which is categorized as a "special Function Use") can only be allowed and determined consistent with the approval of the project as a "Detailed Area Plan" – see Exhibit "A" attached for criteria for the approval of a Detailed Area Plan.

### Issues to discuss:

- The proposed 2,400 square foot day care facility and the approval of project as a Detailed Area Plan. There has been no submittal of information showing how this project meets the Detailed Area Plan criteria set in the ALUP; however, additional discussion with City Staff may show how the criteria can be met. One of the main points to consider when reviewing a Detailed Area Plan are the conditions of approval that are associated with the specific project. These conditions must ensure that all development, either currently proposed or future proposals will conform to Noise, Airspace Protection, and Overflight Policies of the ALUP.

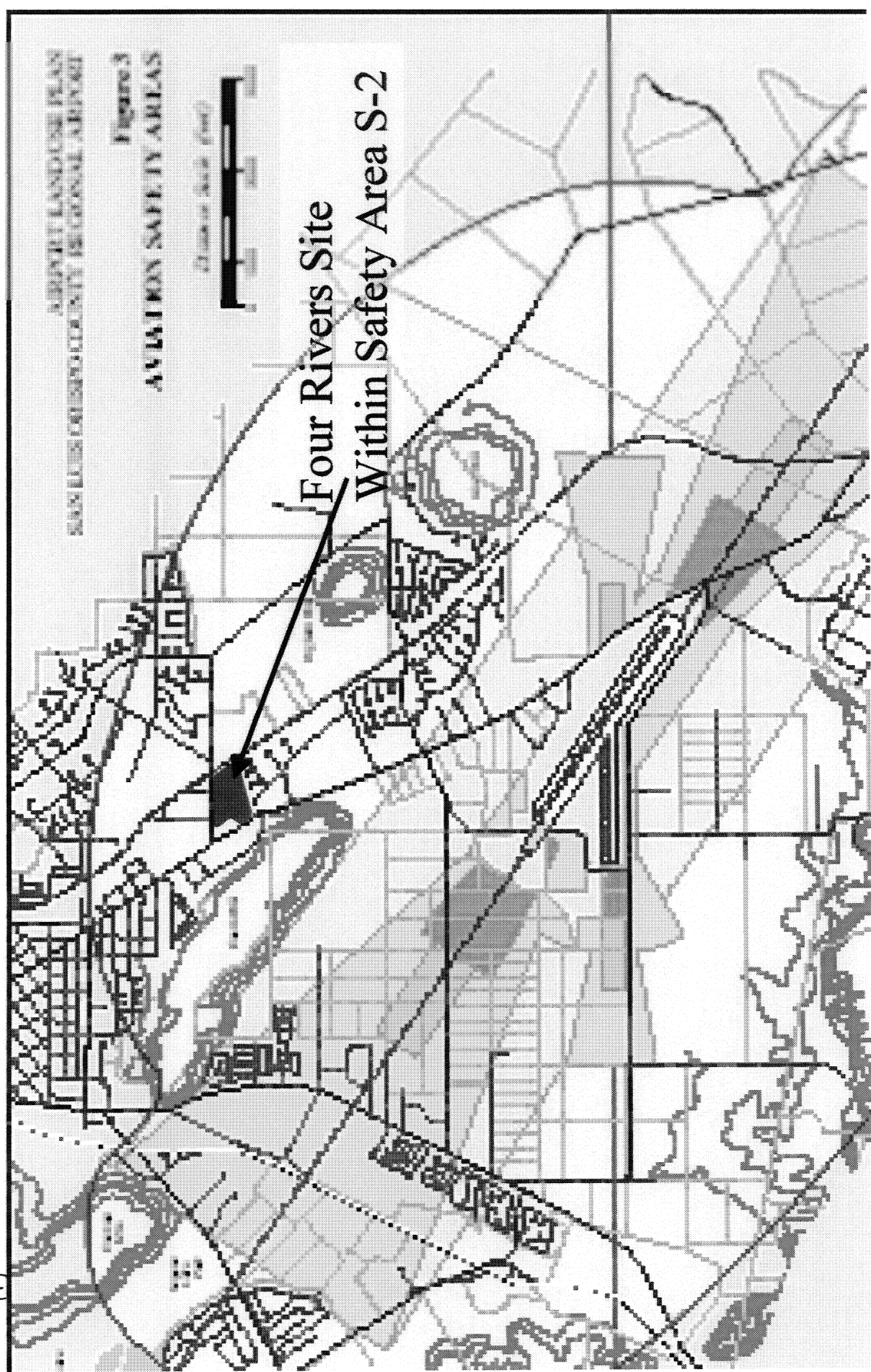
### Recommendation

Staff advises your Commission to determine that the proposed rezoning be found consistent with the ALUP, because the maximum number of people per acre for both non-residential and residential set by the ALUP, will not be exceeded.

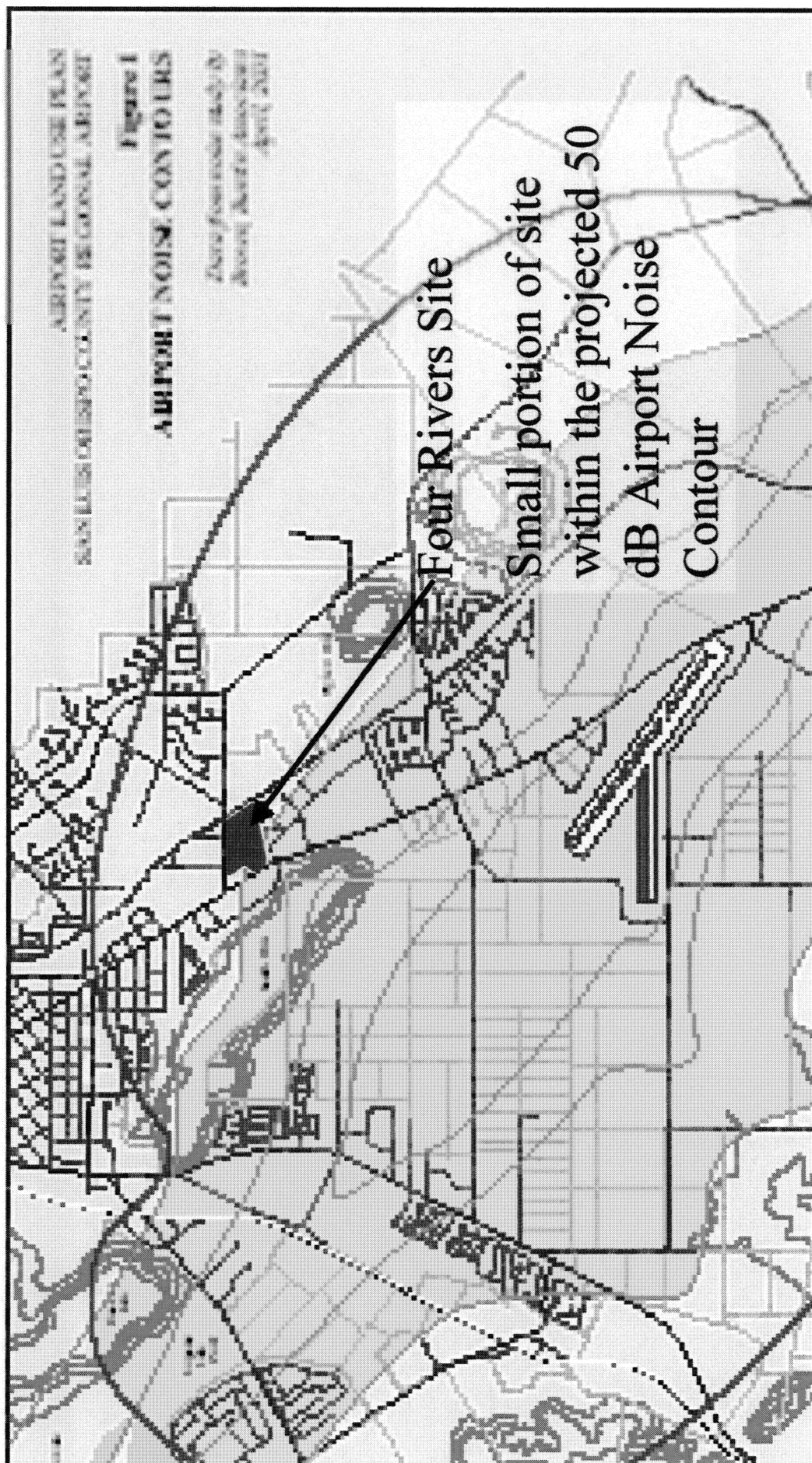
**Exhibit A****4.4.5.3 Procedures for Density Adjustments – Detailed Area Plan**

The development of a Detailed Area Plan is a process which affords local agencies an opportunity to work with the ALUC in planning for development that meets local needs with respect to density while, by virtue of an increased level of specificity, protects the public against undue aviation safety hazards. A Detailed Area Plan proposed by a local agency shall meet the following criteria:

- a. The Detailed Area Plan shall be contained within a general plan or amendment thereto, a specific plan or amendment thereto, or a local zoning ordinance which must, under the terms of the California Public Utilities Code, be referred to the ALUC for a mandatory determination of consistency with respect to the ALUP.
- b. Input from the ALUC should be sought throughout the development of a Detailed Area Plan.
- c. The Detailed Area Plan shall, at a minimum, provide:
  - i. Specific indication of the maximum density of residential and nonresidential development that will be permitted at each parcel within the Detailed Plan area, together with provision that no building, use, or occupancy permit will be issued for any development which exceeds the established maximum densities of development
  - ii. Sufficient information to enable the ALUC to determine that the nonresidential densities allowed within the Detailed Plan area are in conformance with the Maximum Density of Use (Non-Residential) figures specified in Table 7 of this ALUP
  - iii. Sufficient information to enable the ALUC to determine that the residential densities allowed within the Detailed Plan area are in conformance with the figures specified in Table 7 of this ALUP
  - iv. Sufficient information to enable the ALUC to determine that the residential densities allowed at each parcel within the Detailed Plan area are in conformance with the Maximum Density of Residential Development figures specified in Table 7 of this ALUP
  - v. Specific indication of any parcels at which Special Function or High Intensity land uses will be permitted, together with an explicit provision that such uses are prohibited at all other sites within the Detailed Plan area.
- d. The Detailed Area Plan shall contain provisions sufficient to ensure that all development within the Detailed Plan area will conform to the Noise, Airspace Protection, and Overflight Policies of this ALUP.





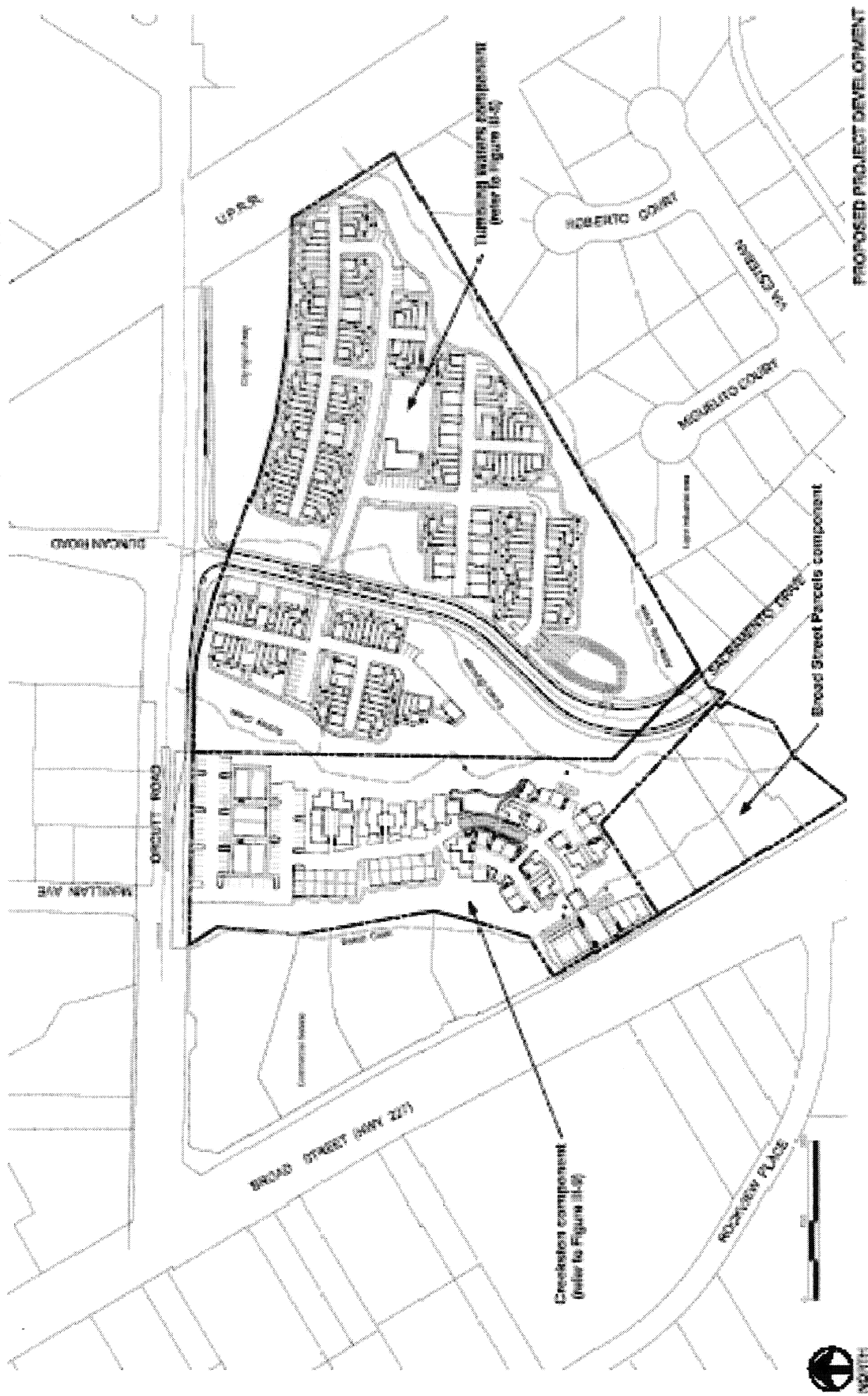




Overall site plan







PROPOSED PROJECT DEVELOPMENT



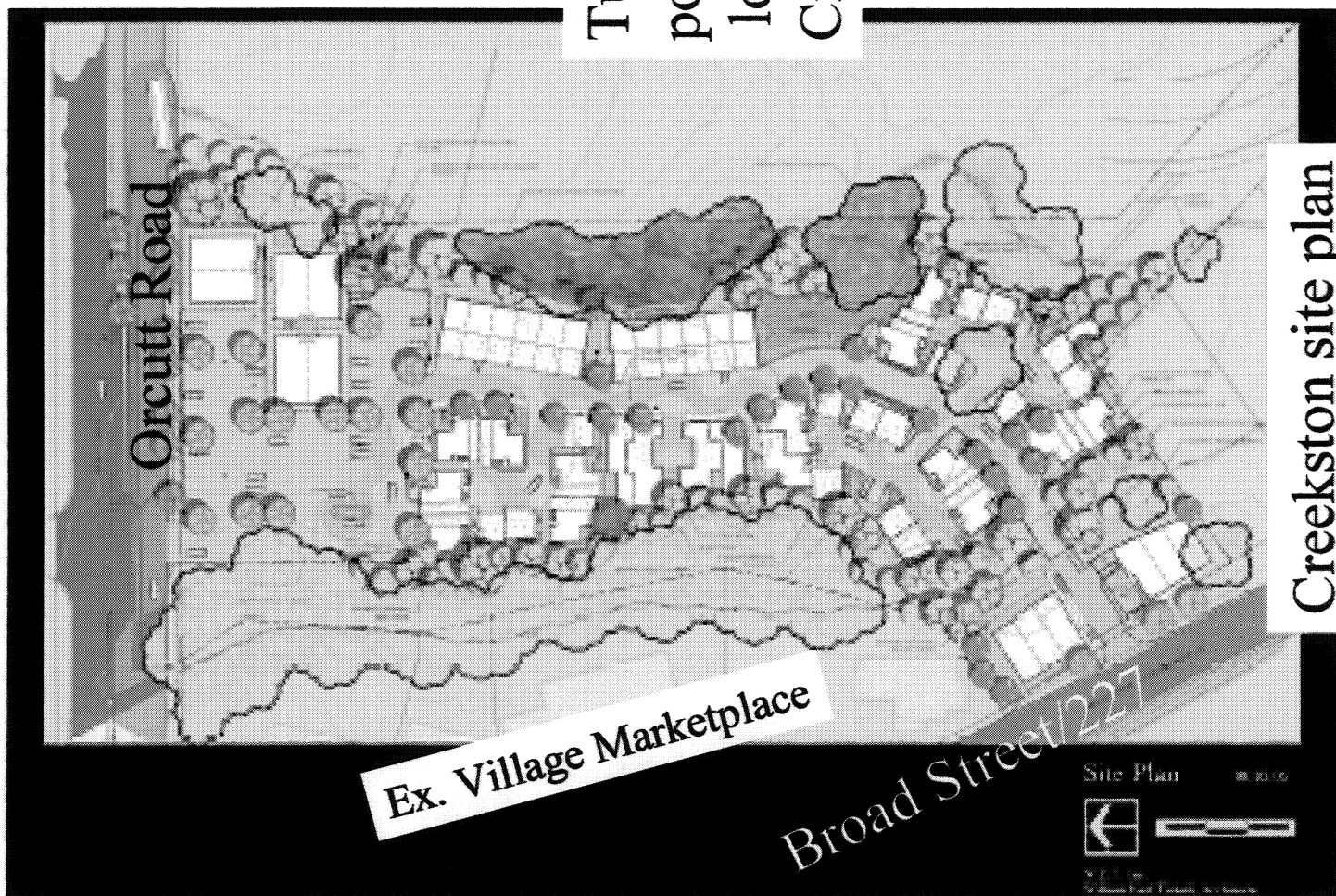


Creekston component

Tumbling Waters component

Broad Street Parcels component

Tumbling Waters  
portion of project  
located to the east of the  
Creekston portion



Creekston site plan

10,000 square feet of  
Commercial space within  
these mixed use buildings-  
Dwellings proposed to be  
on the upper floors.







Tumbling Waters site plan





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## SAN LUIS OBISPO COUNTY

# AIRPORT LAND USE COMMISSION

Chairman: Roger Oxborrow  
Commissioners: James Gleim  
Jim Heggarty  
Terry Orton  
Richard Pottratz  
Robert Tefft  
Gerrit Vanderziel

### COURTESY NOTICE OF HEARING

- WHO:** AIRPORT LAND USE COMMISSION
- WHEN:** Wednesday, October 19, 2005, at 1:30 p.m.
- WHAT:** Hearing to consider a mandatory referral for determination of consistency or inconsistency for the **Four Creeks** rezoning project. The site consists of separately owned parcels totaling 22.92 acres and 3 project components. However, the proposed rezoning will be reviewed by your commission as one project and essentially one property. The applicants are proposing to amend the zoning designation from C-S-S (Service Commercial Special Considerations) and M-PD (Manufacturing Planned Development Special Considerations) to R-4-S (High Density Residential Special Considerations) to R-4-PD (High Density Residential Planned Development). The rezoning of the property will result in a development proposal that includes 268 dwelling units (264 new dwelling units with 4 existing residences to remain) and 10,000 square feet of commercial space. The project site is located southeast of the intersection of Broad Street (Hwy 227) and is located in San Luis Obispo Airport Safety Area S-2.
- WHERE:** San Luis Obispo County Board of Supervisor's Chambers, New County Government Center, 1055 Monterey Street, Room D170, San Luis Obispo, California. At the hearing all interested persons may express their views for or against, or to change the proposal.

#### FOR FURTHER INFORMATION:

You may contact **Bill Robeson**, Airport Land Use Commission Planner, in the San Luis Obispo County Department of Planning and Building, County Government Center, San Luis Obispo, California 93408. (805) 781-5600.

**\*\*** This is a courtesy notice of the Airport Land Use Commission's discussion of the above project. The Airport Land Use Commission will review the project and make recommendations to the referenced city or county as they feel the project relates to airport compatibility.

DATED: October 14, 2005

Chris Macek, Secretary  
Airport Land Use Commission



3-13

# community development department

## memorandum

AIRPORT LAND USE COMMISSION

EXHIBIT BDATE 10/13/05

DO NOT REMOVE FROM FILE

FROM CITY OF SLO/cm

October 6, 2005

**TO:** Bill Robeson, ALUC Staff  
ALUC Members

**FROM:** Mike Drazo, Deputy Director, Long-Range Planning  
Michael Codron, Associate Planner

**SUBJECT:** Mandatory Referral of the Four Creeks Rezoning Project

On November 15, 2005, the City Council is scheduled to consider the Four Creeks Rezoning Project, which is located with the Airport Land Use Plan area. The Four Creeks Rezoning Project would change the land use designation for approximately 22.92 acres of land from Services and Manufacturing to High Density Residential and Community Commercial. As shown in Attachment 1, the maximum residential density on the project site under the ALUP would allow for total construction of 275 dwellings. The project proposal includes 264 dwellings and 10,000 square feet of commercial floor area. The City's ACOS allows development of up to 12 units per gross acre. In order to achieve the objectives of the City's General Plan Housing Element, the City is working to maximize the development potential of this site.

The application to rezone the property includes a request for Planned Development Zoning (PD). The adoption of a PD ordinance allows for property development standards that are different than normally found in the Zoning Regulations. The City allows for PD zoning to be approved when a project includes a complete development plan, so that the City knows the exact nature of the proposed improvements. PD zoning is reserved for projects with exceptional design quality, that are determined to be superior to projects that would normally be proposed under the City's Zoning Regulations.

In this sense, the PD ordinance serves as a type of specific plan or Detailed Area Plan. This is because any changes to proposed uses or the number of dwellings on the project site will require an amendment to the PD ordinance. Any future amendments to the PD ordinance would also be considered a mandatory referral to the ALUC.

Although Detailed Area Plan approval is not necessary for the proposed density of development, one of the uses proposed for the project site is a 2,400 square-foot day care facility. The applicants are requesting approval of a Detailed Area Plan by the Commission so that the day care can be established at this location.

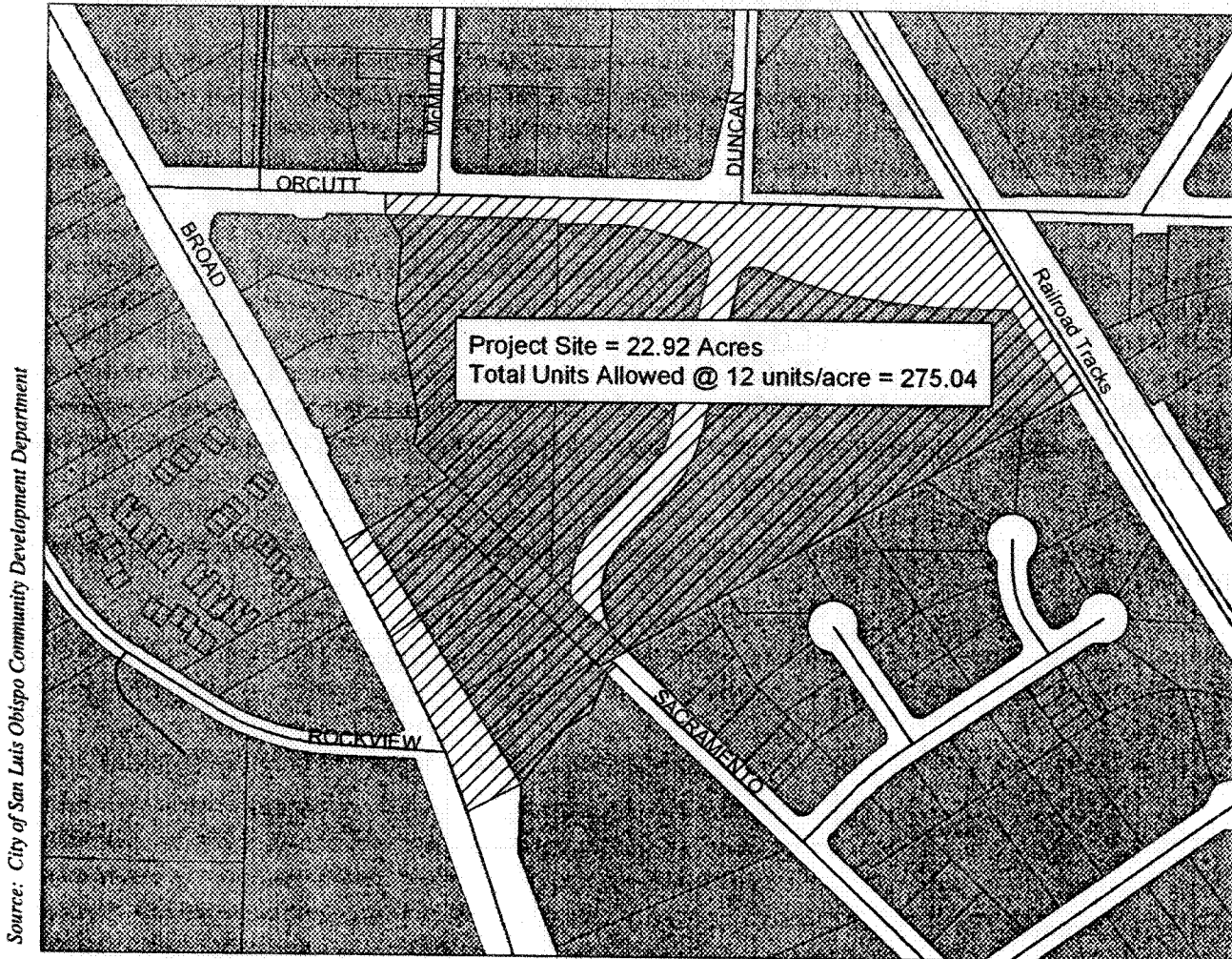
With respect to ALUP noise policies, a portion of the project site is located within the 50 dBA noise contour, and it is outside of any single even noise contours. Noise sensitive land uses are permitted in this location.

The information attached to this memo is intended to provide the ALUC with an overview of the project, and a detailed description of the project's components. Staff will be available at the October meeting to provide a presentation of the project and to answer any questions that the Commission may have.

The City is requesting that the ALUC determine that the project is consistent with the ALUP on October 19<sup>th</sup>. The Planning Commission will consider a recommendation to the City Council on the project on October 12<sup>th</sup>. The draft Planning Commission resolution for the proposed development plans are attached. Conditions of approval included in these resolutions are consistent with ALUP overflight policies and require recordation of avigation easements and property disclosure forms, including Real Estate Disclosure forms and notifications in the project CC&R's.

**Attachments:**

- Attachment 1: Vicinity Map
- Attachment 2: Project Plans and Description
- Attachment 3: Hazards Discussion (4 Creeks EIR)
- Attachment 4: Noise Analysis from EIR and ALUP Figure 1
- Attachment 5: Project Conditions of Approval
- Attachment 6: Proposed Use List for Community Commercial Area



NORTH  
Not to Scale

RESIDENTIAL DEVELOPMENT DENSITY  
(WITH APPROVED ACOS)  
FIGURE HAZ-1



3-16

### III. PROJECT DESCRIPTION

The proposed Four Creeks Rezoning Project involves the rezoning and/or development of three primary project components: Tumbling Waters, Creekstön, and four separately owned parcels located on Broad Street (herein after referred to as Broad Street Parcels). In order to clearly present all available information, project components and the proposed improvements associated with each component are described separately within Section III and various other sections of the EIR, as appropriate. However, for the purposes of environmental review, the potential impacts of the project components will be analyzed collectively as "the project."

#### A. GENERAL BACKGROUND

Project Title: Four Creeks Rezoning Project

Project Applicants:

<u>Tumbling Waters</u> Orcutt Associates, LLC 12730 High Bluff Drive, Ste. 180 San Diego, CA 92130 Mr. Randy Jenson	<u>Creekstön</u> W.E.T, Inc. 3233 Davis Canon Road San Luis Obispo, CA 93401 Mr. William Tickell	<u>Broad Street Parcels</u> City of San Luis Obispo 990 Palm Street San Luis Obispo, CA 93401
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Property Owners:

<u>Tumbling Waters</u> Ground Zero, LLC 1010 Peach Street San Luis Obispo, CA 93401 Mr. Robert Schiebelhut	<u>Creekstön</u> W.E.T, Inc. 3233 Davis Canon Road San Luis Obispo, CA 93401 Mr. William Tickell	<u>Broad Street Parcels</u> Three parcels under separate ownership. No development is proposed at this time; property subject to zoning changes only.
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Project Representative:

<u>Tumbling Waters</u> RGC CourtHomes, Inc. 4063 Birch Street Newport Beach, CA 92660 Mr. James E. Murar	<u>Creekstön</u> Oasis Associates, Inc. 3427 Miguelito Court San Luis Obispo, CA 93401 Ms. Carole Florence	<u>Broad Street Parcels</u> City of San Luis Obispo 990 Palm Street San Luis Obispo, CA 93401 Mr. Michael Codron
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City Case Number: ER 114-02 (City Initiated Rezoning), PD 151-03 (Tumbling Waters), and PD 164-02 (Creekstön)

State Clearinghouse Number: 2004071043

B219  
3-17

City General Plan Designation: Services and Manufacturing

Zoning: Service Commercial with Special Considerations (C-S-S)  
Manufacturing Planned Development (M-PD)

Assessor's Parcel Numbers: 053-061-046, -047, and -048  
053-221-016, -018, -019, -020, -027, -030, -033, and -036

Project Location: The project site consists of 11 parcels, ranging in size from 0.32 to 7.32 acres totaling approximately 18.5 acres, located southeast of the intersection of Orcutt Road and Broad Street (State Highway 227) in the City of San Luis Obispo. The addresses include 861, 953, and 791 Orcutt, and 3330, 3370, 3388, 3398, 3366, and 3360 Broad Street (refer to Figures III-1 and III-2). Bishop Creek runs along the western border of the site, and Alrita-Carla Creek runs along the southern border. Sydney Creek and "Escorp Drainage" also traverse the site.

## B. PROJECT OBJECTIVES

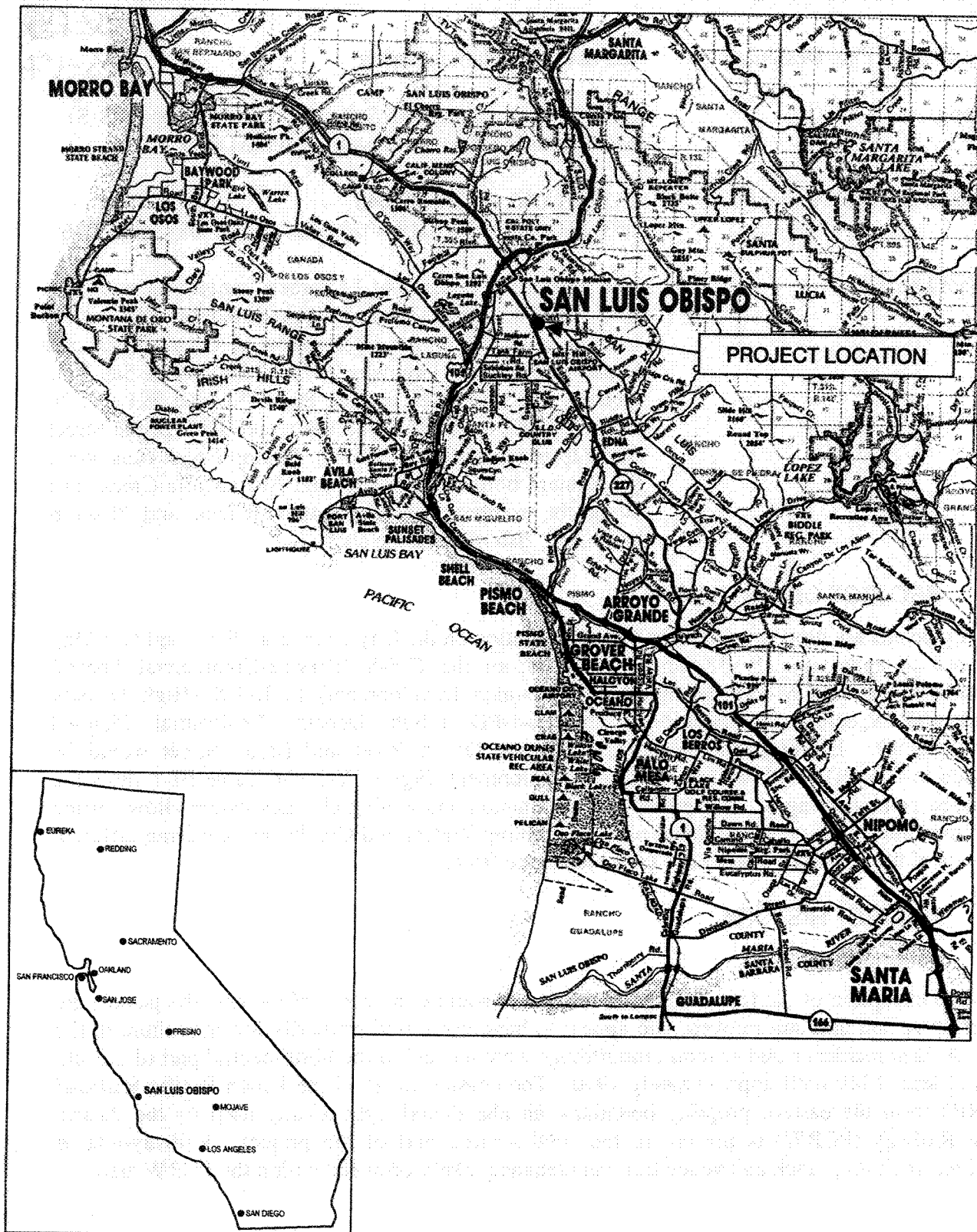
The applicants are proposing to amend the designation on the City's General Plan Land Use Map and rezone approximately 18 acres of land from the C-S-S (Service-Commercial Special Considerations) and M-PD (Manufacturing Planned Development) to R-4-S (High Density Residential Special Considerations) and R-4-PD (High Density Residential Planned Development). Existing land zoned C-S-S along Orcutt Road and Broad Street would be rezoned to C-S-PD to allow for mixed-use development. Figure III-3 and Table III-1 show the proposed zoning changes. These land use designation and zoning changes would allow for the implementation of two development plans (Tumbling Waters and Creekstön), covering different portions of the proposed project site (refer to Figure III-4).

## C. PROJECT HISTORY

### 1. Historic Uses

With the exception of the four residential lots in the southwest corner of the site, the parcels are presently vacant and unimproved, and appear to have been used primarily for agriculture in the past. A farm residence and several outbuildings were located in the north-central part of the site from at least 1949 until approximately 1990. The coastal tracks of the Union Pacific Railroad (UPRR) form the eastern property boundary; an abandoned right-of-way used by the Pacific Coast Railway (PCRW) is present in the southwestern part of the project. Railway-related activities, including track and vegetation maintenance, likely occurred within the PCRW area.

3-18



Source: Compass Maps

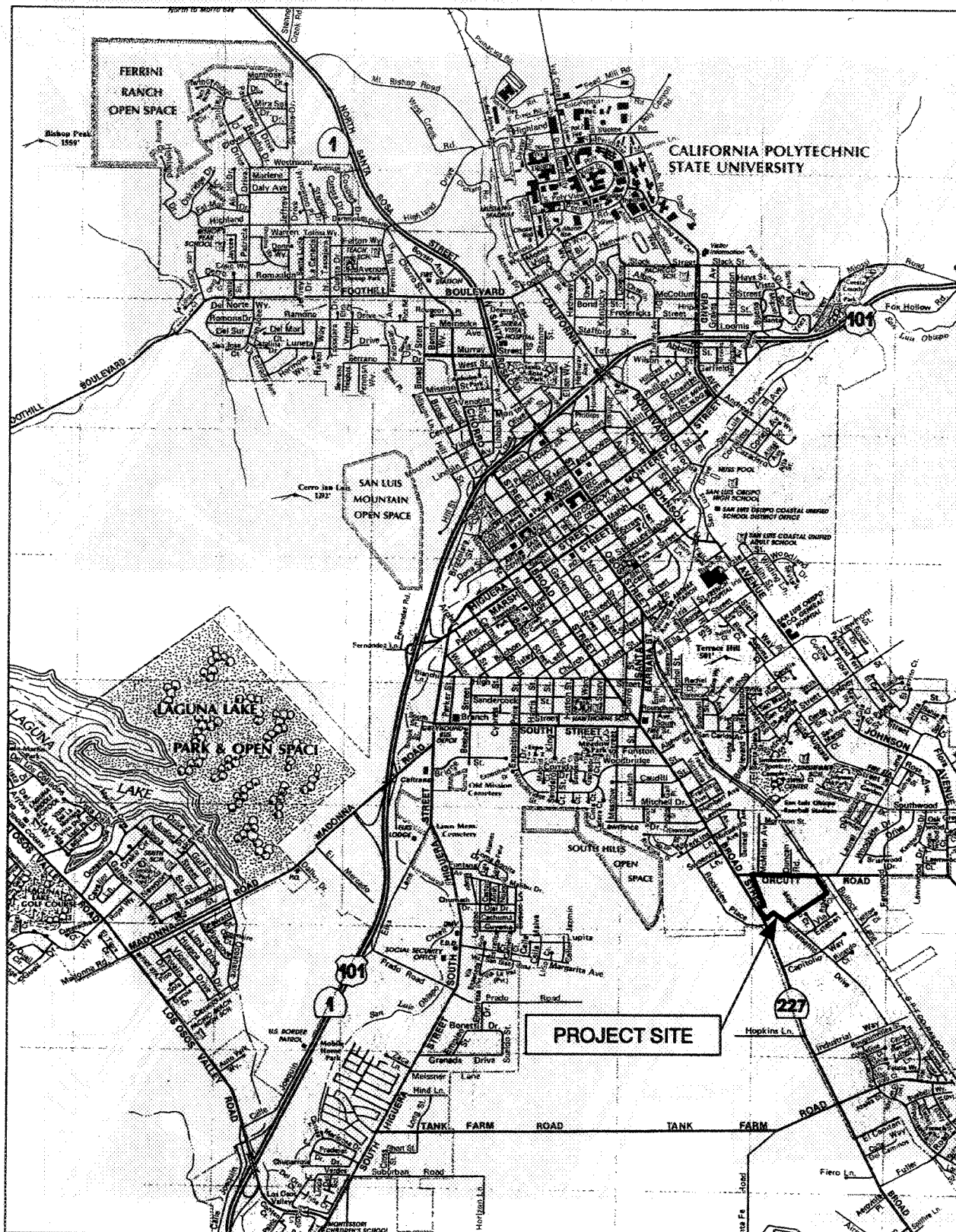


NORTH  
Not to Scale

PROJECT VICINITY MAP  
FIGURE III-1

B-19

Source: Compass Maps

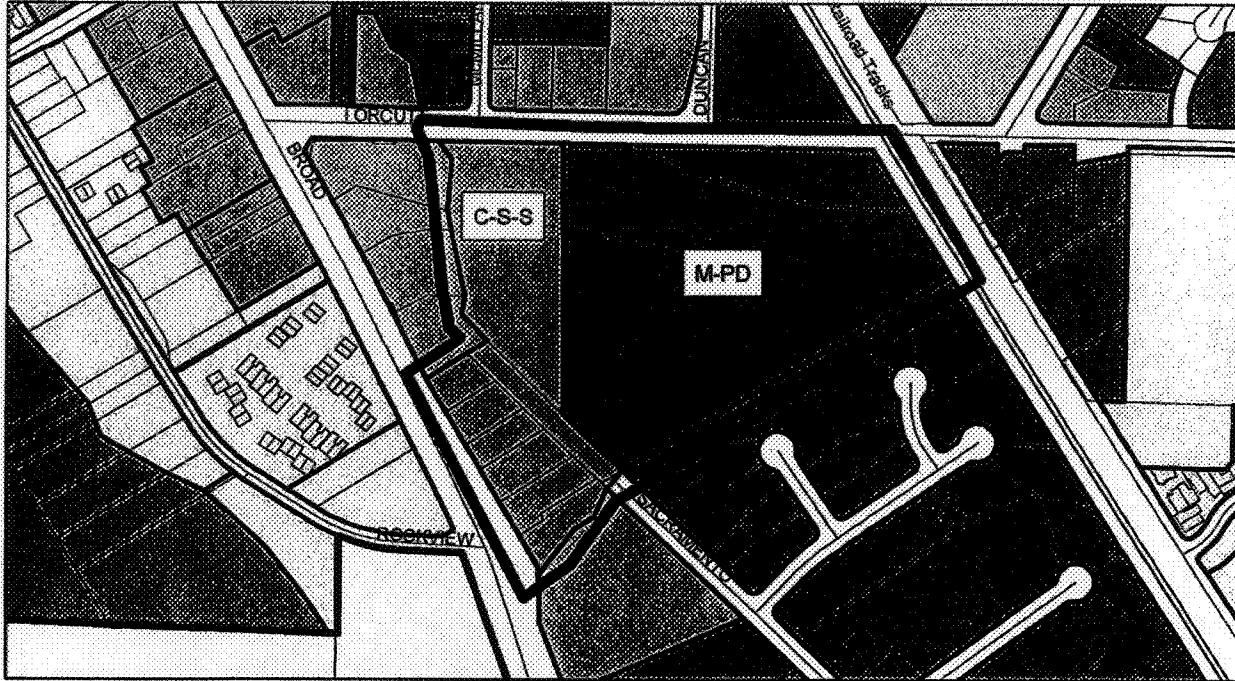


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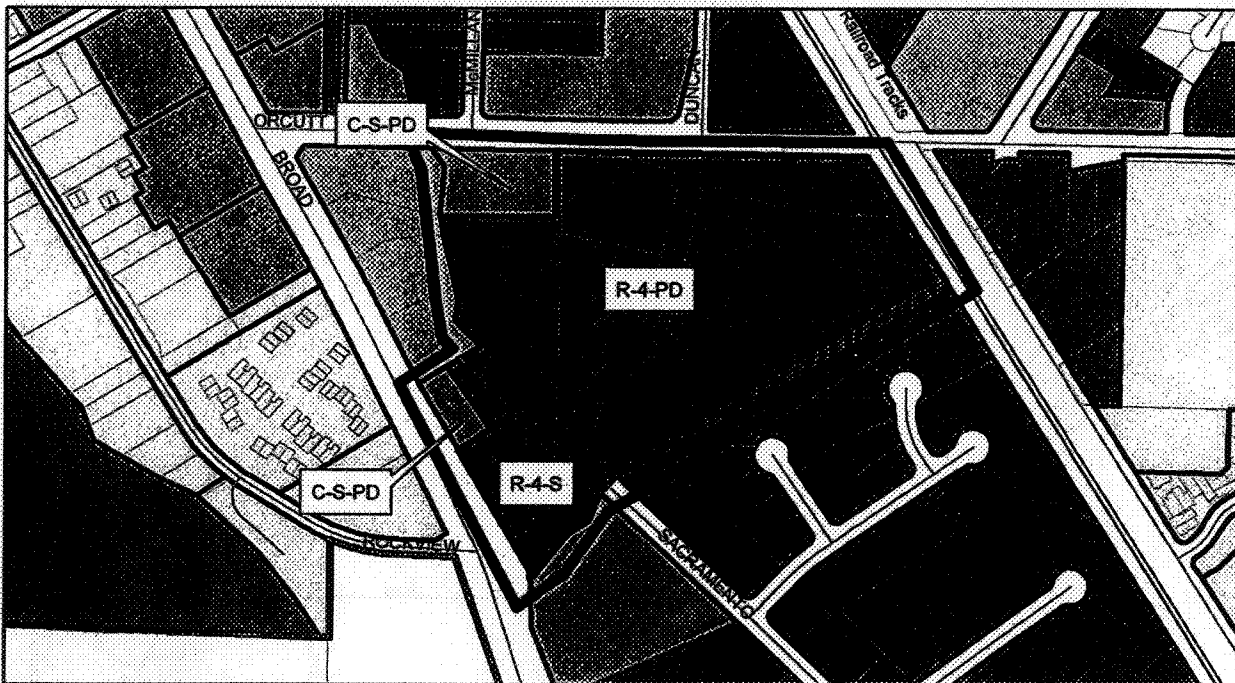
PROJECT LOCATION MAP  
FIGURE III-2



3-20



Existing Zoning



Proposed Zoning

Source: City of San Luis Obispo



NORTH  
Not to Scale

PROPOSED LAND USE / ZONING CHANGES  
FIGURE III-3

3-21

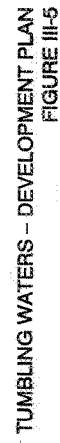
Project Description

Four Creeks Rezoning Project



PROPOSED PROJECT DEVELOPMENT  
FIGURE III-4

III-7



Source: *eda*  
Final EIR

3-23

**TABLE III-1  
Proposed Zoning Changes**

Project Component	Parcel	Approximate Parcel Size (s.f.)	Current Zoning	Proposed Zoning	Proposed Uses
Tumbling Waters	053-061-046 Orcutt Road	80,470	M-PD	R-4-PD	Multi- and Single-Family Residential
Tumbling Waters	053-061-047 Orcutt Road	63,840	M-PD	R-4-PD	Multi- and Single-Family Residential
Tumbling Waters	053-061-048 Orcutt Road	319,060	M-PD	R-4-PD	Multi- and Single-Family Residential
Creekstön	053-221-016 3330 Broad Street	13,790	C-S-S	R-4-PD & C-S-PD	Mixed-Use, and Multi- and Single-Family Residential
Creekstön	053-221-030 3360 Broad Street	16,550	C-S-S	C-S-PD	Mixed-Use, and Multi- and Single-Family Residential
Creekstön	053-221-033 791 Orcutt Road	168,730	C-S-S	R-4-PD & C-S-PD	Mixed-Use, and Multi- and Single-Family Residential
Creekstön	053-221-036	29,590	C-S-S	R-4-S	Mixed-Use, and Multi- and Single-Family Residential
Broad Street Parcels	053-221-028 3370 Broad Street	21,270	C-S-S	R-4-S	High Density Residential
Broad Street Parcels	053-221-019 3388 Broad Street	21,090	C-S-S	R-4-S	High Density Residential
Broad Street Parcels	053-221-020 3398 Broad Street	20,980	C-S-S	R-4-S	High Density Residential
Broad Street Parcels	053-22-027 3366 Broad Street	14,230	C-S-S	R-4-S	High Density Residential

## 2. Previous Applications

A previous building permit was issued for the Creekstön portion of the project site, which included plans to construct a 62,000 square foot commercial office building. Plans for this development were changed after the San Luis Obispo City Council requested these parcels be rezoned to accommodate mixed use and high density housing. Previous land use applications for the project site also include Map 2134 that was recorded and approved by the City Council in March 2000. The right-of-way for Sacramento Drive was deeded to the City and bonds remain in place for Sacramento and Orcutt improvements.

3-24

**D. PROJECT COMPONENTS****1. Tumbling Waters**

This component of the project would include 175 residential units on 11.63 acres, split by the Sacramento Drive right-of-way, which is currently undeveloped (refer to Table III-2 and Figure III-5). This component includes 7.5 acres of developable area, excluding creeks and existing right-of-way. Based on the City's method of calculating density, which takes bedrooms into account, 176 density units are proposed for an overall residential density of 23.5 units per acre.

**TABLE III-2  
Tumbling Waters Summary Table**

	Units	Approx. Sq. Ft.	Total
<b>Residential Units</b>			
Tumbling Waters Duplex Units			
• Floor Plan 1	5	1,349	6,745
• Floor Plan 2	18	1,465	26,370
Total	23	1,440	33,115
Tumbling Waters Fourplex Units			
• Floor Plan 1	8	773	6,184
• Floor Plan 2	30	929	27,870
• Floor Plan 3	38	1,105	41,990
• Floor Plan 5	38	1,261	47,918
• Floor Plan 6	38	1,456	55,328
Total	152	1,180	179,290
<b>Amenities</b>			
Village Plaza and Hall			6,153 square feet
Village Water Garden/Open Space			14,988 square feet
Pedestrian Pathways			3,700 linear feet
Parking			312 garage spaces 75 parking lot and street spaces

**a. Residential Units**

The homes within the Tumbling Waters project component would consist of two different residential product types: 152 fourplex units (three-story units over basement garages, ranging from 773 to 1,456 square feet) and 23 duplex units (two-story units over basement garages, ranging from 1,349 to 1,465 square-feet), for a total of 175 homes. All of the homes would have interior access from the garages and there would be no outside stair access. Seven different floor plans are proposed with three to four different architectural elevations (refer to Appendix B). Building coverage would be 32 percent of the net acreage.



3-25

**b. Village Core and Activity Areas**

The "Village Core", located in the center of the proposed residential development, would include a "Village Green" for individual and group activities (refer to Figure III-5). Located within the village green would be a 2,750 square-foot multipurpose building and fitness center ("Village Hall"), a "Tot Lot Playground", "Village Water Gardens", and a paved outdoor plaza ("Village Plaza") that includes a school bus drop-off/pick-up and that can be closed-off for community events.

**c. Pedestrian Circulation**

As part of the proposed development, approximately 3,700 feet of pedestrian walking paths would circumnavigate the entire village adjacent to the creek setback areas and open space. Six areas along the perimeter path would be enhanced as "Meditation/Tranquility Gardens" (refer to Figure III-6). In addition, the paths would lead to a community park and a footbridge is proposed that would span Sydney Creek to the west and allow residents to walk to the commercial areas located to the west of the site. The perimeter path would also connect to all homes and the Village Green through a series of interconnecting pedestrian paths, and would provide access to the Class 1 twelve-foot wide bikeway/walkway that is proposed for construction adjacent to and west of Sacramento Drive. City-standard sidewalks would be constructed along Sacramento Drive and Orcutt Road.

**d. Circulation and Parking**

Sacramento Drive currently provides access to the light industrial area located to the south of the project site and terminates on the south side of Alrita-Carla Creek. As part of the proposed project, Sacramento Drive would be extended through the development, connecting to Orcutt Road at Duncan Road (refer to Figure III-7). The applicant is proposing to retain the City's proposed alignment for Sacramento Drive, but reduce the City's proposed width of the roadway from 44 feet to 24 feet, which would be appropriate for residential uses only. This would reduce the existing 60-foot City right-of-way to 40 feet, resulting in 20 feet of right-of-way abandonment. A ten-foot public utility easement would remain on both sides of Sacramento Drive, and a Class 1 bikeway would be removed from the street and created just to the west of Sacramento Drive within this easement. There would be no parking on Sacramento Drive and it would remain a public street. Vehicular access to the Tumbling Waters Village would be provided from Sacramento Drive in two locations. The major intersection at the entrance to Tumbling Waters would be constructed with enhanced paving, with the intention of providing a means to calm traffic.

All streets and motorcourts within the proposed development would be private and maintained by the homeowners association. The major streets would be 32 feet (parking allowed on one side of the street) and 36 feet (parking allowed on both side of the street) in width. The streets would contain tree pockets located between every two or three parking spaces to minimize the size of the street. The motorcourts would be 20 feet in width, but access to the garages would include a minimum of a two-foot drive apron on each side of the motorcourt section. The minimum area for turning movement between garage doors would be 24 feet, which has been designed to meet fire department requirements. With the exception of Sacramento Drive, each street or motorcourt within Tumbling Waters would end at open space.

3-26

The portion of Orcutt Road that fronts the project site would be improved to its designed width, and the City-owned property for the future expansion of Orcutt Road would be retained. The applicant proposes to construct a berm within the City-owned property, to serve as a noise barrier. This berm would be landscaped by the applicant and maintained by the homeowners association.

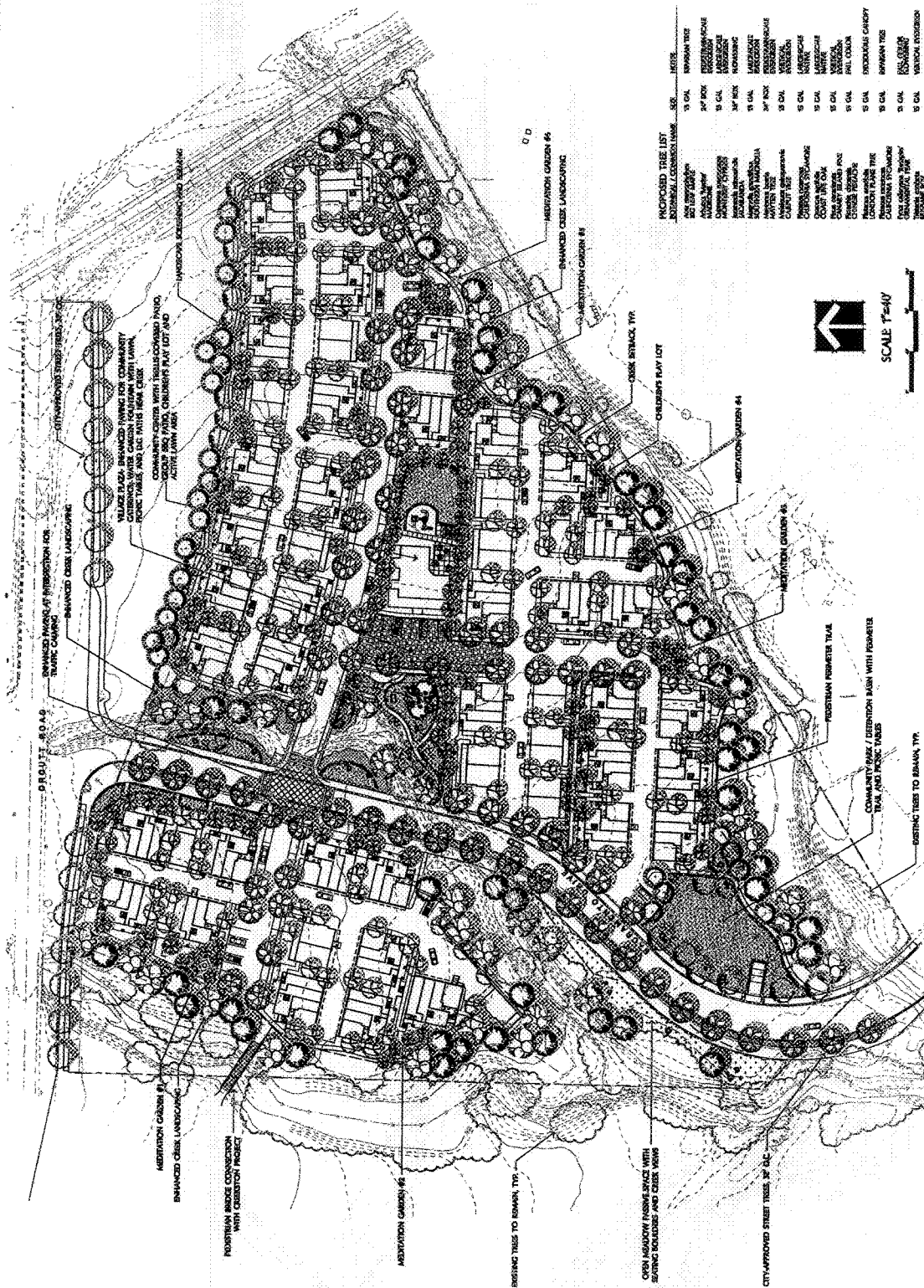
Per City requirements, a development of this size is required to have 375 parking spaces. As proposed, the project would provide garage spaces for 312 vehicles (46 spaces in the duplex units and 266 fourplex unit spaces) and an additional 75 parking spaces would be located along roadways, including eight spaces situated in front of the Village Hall and at the footbridge on the west side of the development.

e. Grading and Drainage

Grading for the project (refer to Figure III-8) would occur in a single phase and would result in an estimated 20,000 cubic yards of earthwork over an approximate six-week period. Roads, building pads, and other improvements would be located on areas of relatively level topography with slopes ranging from two to four percent.

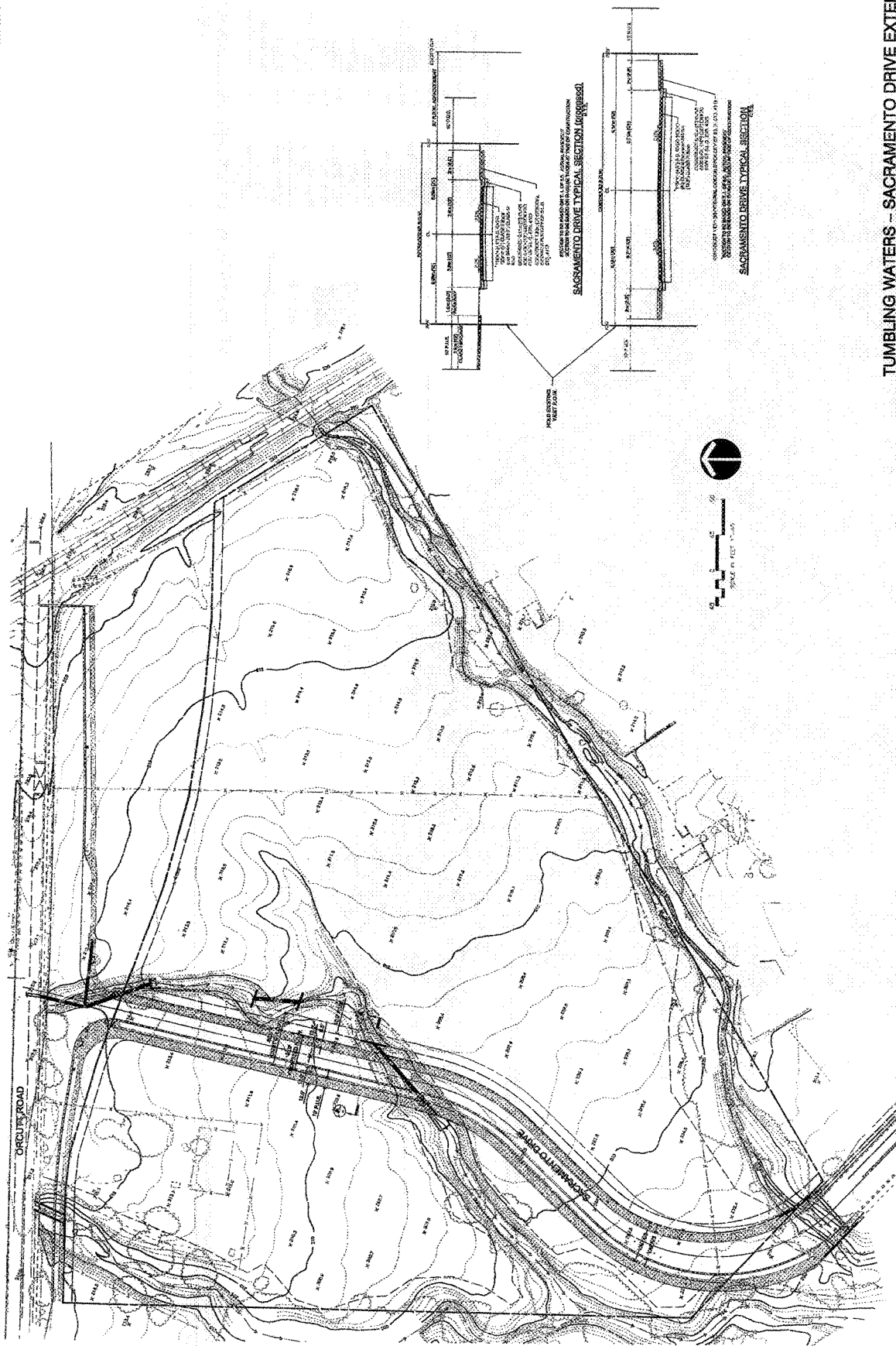
Surface water currently flowing to the property from areas north of Orcutt Road would be contained in culvert extensions to accommodate street improvements, as shown in Figure III-7. Flows to Sydney Creek would continue through the project in the existing creek channel. Flows to Escorp Drainage would be directed through a system of culverts, open channels, and natural drainage channels, through the site to Sydney Creek. Surface water entering the site at Alrita-Carla Creek would cross the site in the existing natural channel to a 20-foot box culvert or arched pipe proposed under the Sacramento Drive road extension.

Two landscaped detention basins (east of Sacramento Drive) and an underground detention system (west of Sacramento Drive) are proposed for onsite drainage. Flow would be regulated and released at two locations along Alrita-Carla Creek and one location along the Escorp Drainage, ultimately flowing into Sydney Creek.



PROPOSED TREE LIST	SIZE	QUANTITY
10' OAK	15	15
12' OAK	15	15
14' OAK	15	15
16' OAK	15	15
18' OAK	15	15
20' OAK	15	15
22' OAK	15	15
24' OAK	15	15
26' OAK	15	15
28' OAK	15	15
30' OAK	15	15
32' OAK	15	15
34' OAK	15	15
36' OAK	15	15
38' OAK	15	15
40' OAK	15	15
42' OAK	15	15
44' OAK	15	15
46' OAK	15	15
48' OAK	15	15
50' OAK	15	15
52' OAK	15	15
54' OAK	15	15
56' OAK	15	15
58' OAK	15	15
60' OAK	15	15
62' OAK	15	15
64' OAK	15	15
66' OAK	15	15
68' OAK	15	15
70' OAK	15	15
72' OAK	15	15
74' OAK	15	15
76' OAK	15	15
78' OAK	15	15
80' OAK	15	15
82' OAK	15	15
84' OAK	15	15
86' OAK	15	15
88' OAK	15	15
90' OAK	15	15
92' OAK	15	15
94' OAK	15	15
96' OAK	15	15
98' OAK	15	15
100' OAK	15	15

TUMBLING WATERS - LANDSCAPE DEVELOPMENT PLAN  
FIGURE III-6

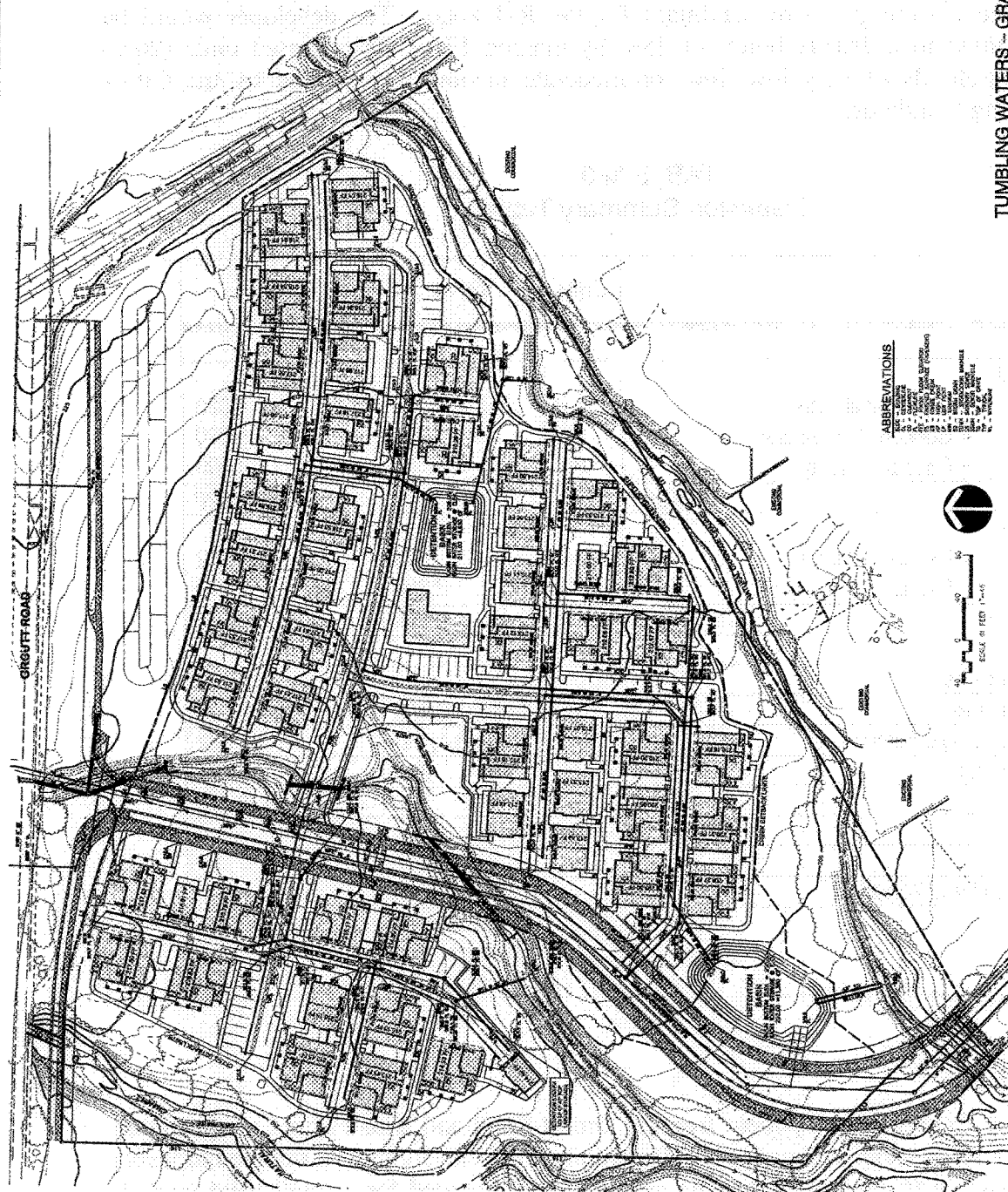


TUMBLING WATERS - SACRAMENTO DRIVE EXTENSION  
FIGURE III-7

III-17

3-28





TUMBLING WATERS -- GRADING, DRAINAGE AND UTILITY PLAN  
FIGURE III-8

III-70

3-29

3-30

## 2. Creekstön

This component of the proposed project would include a total of 86 residential units, approximately 7,200 square feet of commercial floor area, and a 2,500 square foot day care facility on 5.3 acres (refer to Table III-3 and Figure III-9). Sydney Creek runs along the eastern boundary of the Creekstön development, and Bishop Creek runs along the western boundary. The net site area, excluding creeks and right-of-way, is 3.6 acres. Based on the City's method for calculating density, the project would include 90.25 density units for an overall residential density of 25.1 dwelling units per acre. The applicant is requesting a density bonus in order to develop above the 24-unit per acre maximum for the R-4 zone. The developer would be automatically entitled to a density bonus of 25% by making 17 of the proposed units (20%) affordable to households of very low, low, or moderate incomes, as defined by the City's Affordable Housing Standards.

**TABLE III-3**  
**Creekstön Summary Table**

	Units	Sq. Ft.	Total
<b>Mixed-Use</b>			
Orcutt Road			
• Residential Lofts	6	528 to 1,974	4,020
• Service Commercial	n/a	5,000	5,000
• Daycare Facility	n/a	2,500	2,500
<i>Total</i>	n/a	n/a	11,520
Broad Street			
• Residential Lofts	7	866	6,062
• Service Commercial	n/a	2,200	2,200
<i>Total</i>	n/a	n/a	8,262
<b>Residential Units</b>			
Courtyard Homes	26	1,040 to 6,490	69,280
Zero-Lot Line Single Family	7	2,830 to 4,150	24,080
Residential Lofts	40	866	34,640
<i>Total</i>	73	n/a	128,000
<b>Amenities</b>			
Retention Pond and Windmill		3,000 square feet	
Parking		189 vehicle parking spaces 30 bicycle spaces 10 motorcycle spaces	

### a. Mixed Use

The portions of the Creekstön component fronting Orcutt Road and Broad Street are proposed mixed-use building types (refer to Appendix B for architectural elevations). At the ground levels are Service Commercial (C-S) spaces that the applicant has intended for a small local market,

3-31

deli, office space, or coffee house. In addition, in the C-S space along Orcutt Road, the applicant is proposing a 2,500 square-foot daycare facility.

As proposed, there would be seven residential lofts above the Broad Street commercial uses and parking spaces. Each one-bedroom unit would be 866 square-feet in size. Along Orcutt Road, the applicant is proposing six two-bedroom residences, ranging from 528 to 1,974 square-feet. It is the applicant's intention to utilize this mixed-use building design and provide the immediate community with services and the possibility of employment within walking distance from home or at home.

b. Courtyard Homes

The applicant is proposing 20 courtyard homes to the east of the Broad Street mixed-use buildings and 6 courtyard homes south of the Orcutt Road mixed use buildings. The site plan includes five groupings with a mix of attached and detached homes, clustered in groups of four or five around a central space. The homes range in size from 1,040 to 6,490 square-feet. Portions of these buildings are within the required top-of-bank setbacks from both Bishop Creek, to the west, and Sydney Creek, to the east.

c. Lofts

Along Bishop Creek, in the westernmost portion of the project site, the applicant is proposing the development of two buildings, each 57 feet in height, which would require building height exceptions. Each structure would have 20 one or two-bedroom lofts, 866 square-feet in size. Portions of these buildings are within the required top-of-bank setbacks from Bishop Creek.

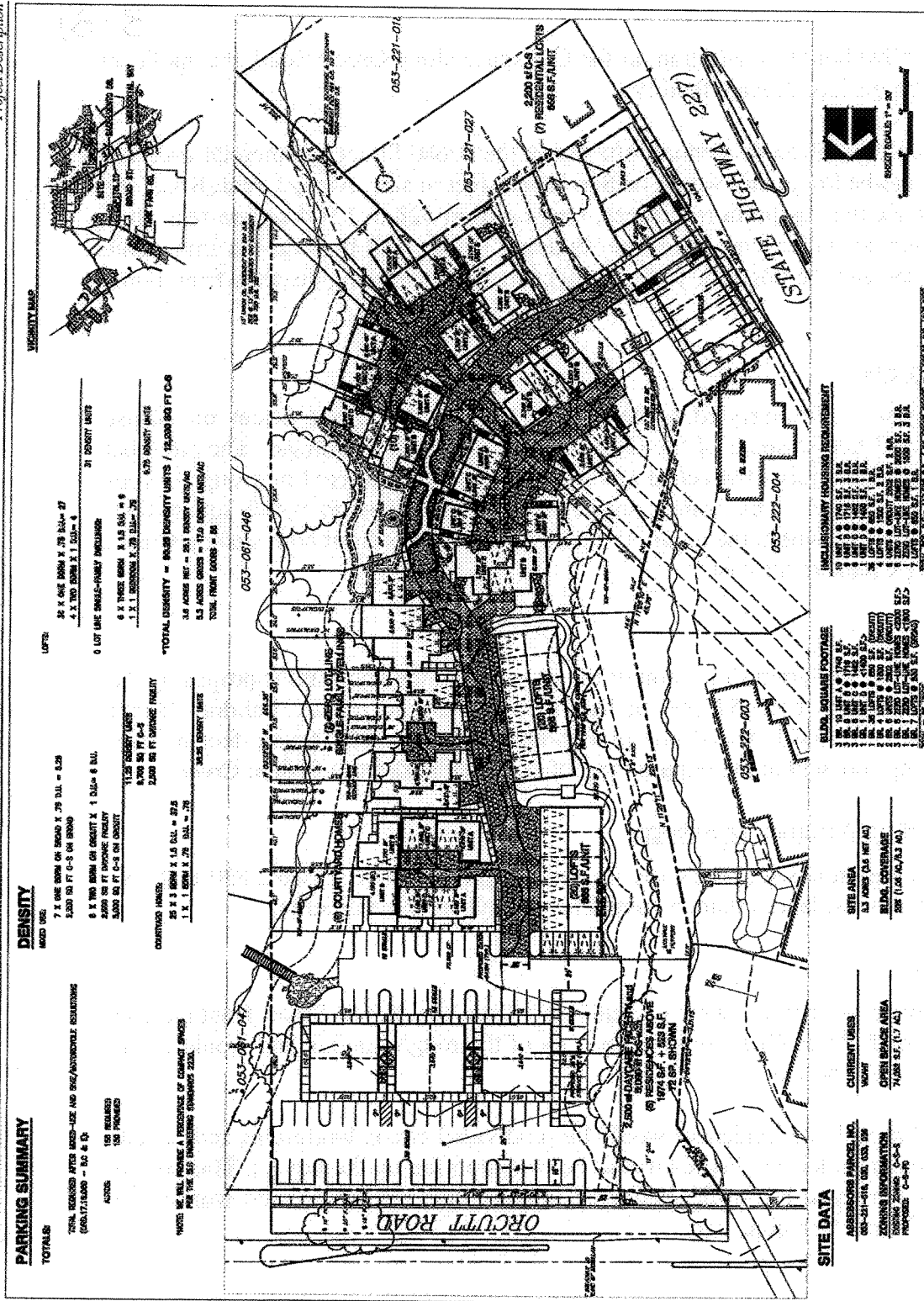
d. Zero Lot Line Single Family Dwellings

A total of seven homes are proposed at the eastern center of the site plan. These 2,830 to 4,150 square-foot, three-bedroom residences share a common wall and creek orientation.

e. Phasing/Sales

Building is proposed over six phases, which would start from the Broad Street frontage and move towards Orcutt Road. Phase One would include all of the rough grading and would occur over an approximate 12-week period.

The loft apartments and mixed-use residences would be subdivided as condominiums and rented. The courtyard homes and zero lot line homes would be owned in fee by the buyers. This would not preclude rentals of the units, but owner-occupied, market rate, affordable, and work-force housing is the applicant's intended objective.



CREEKSTON -- SITE PLAN  
FIGURE III-9



f. Circulation and Parking

Vehicle and pedestrian access to the majority of the courtyard homes would be from Broad Street, over a proposed two-lane crossing over Bishop Creek. Access to the lofts, the zero lot line single-family homes, and the remaining courtyard homes would be from Orcutt Road. The centerline of this entrance driveway would match the centerline of McMillan Road.

The applicant is requesting a 20% parking reduction as part of the Planned Development zoning. Such an exception is authorized by the City's Zoning Regulations and can be achieved by providing additional bicycle parking, having shared parking arrangements, and by having mixed-uses share parking. The total number of parking spaces required by City ordinance is 248. An allowed 30 percent reduction for the mixed-use portion of the development, 30 extra bicycle spaces, and 10 extra motorcycle spaces bring the total required parking count down to 166 spaces.

The applicant is proposing a total of 189 parking spaces, with the intention of fostering community through parking design. The courtyard homes consolidate garages and eliminate 46 garage facades from facing the street. No on-street parking is proposed, meaning homes and porches would face each other without the interruption of parked cars and pedestrian safety would be increased.

g. Amenities

Amenities of the Creekstön development include the design goal of creating a pedestrian scale community with a village atmosphere. Attention was given to the space between buildings to provide opportunities for interaction among residents. As proposed, the applicant would restore/enhance portions of Bishop Creek and Sydney Creek in accordance with City standards. Landscaping would be a combination of drought-tolerant native species, edible fruit trees, and garden plots to be irrigated by onsite wells (refer to Figure III-10).

h. Grading and Drainage

Grading for the project (refer to Figure III-11) would occur over six phases and would result in an estimated 7,150 cubic yards of earthwork. Roads, building pads, and other improvements would be located on areas of relatively level topography with slopes ranging from two to four percent.

Surface water currently flowing to the property from areas north of Orcutt Road would flow to Sydney Creek and Bishop Creek, continuing through the project in the existing creek channel.

Onsite drainage from the northern portions of the site would flow through an underground detention system to a proposed storm water retention pond located midway into the project between courtyard 'A' homes and courtyard 'B' homes. A portion of the pond would be located on the opposite side of the "greenway" that separates the project's vehicular traffic. Water would be present year-round in the retention pond. During dry months, a proposed windmill waterfall using well water would replenish evaporation. When winter storm surges fill the retention pond beyond capacity, overflow to the recreational basin would take an additional volume of water for infiltration before final, regulated discharge into Sydney Creek.

3-34

In addition to the retention pond, three proposed landscaped bioswales located east of the Broad Street mixed use buildings would regulate flow and discharge runoff into Bishop Creek at three different locations. An additional bioswale, located behind courtyard lot seven, would regulate flow and discharge runoff into Sydney Creek.

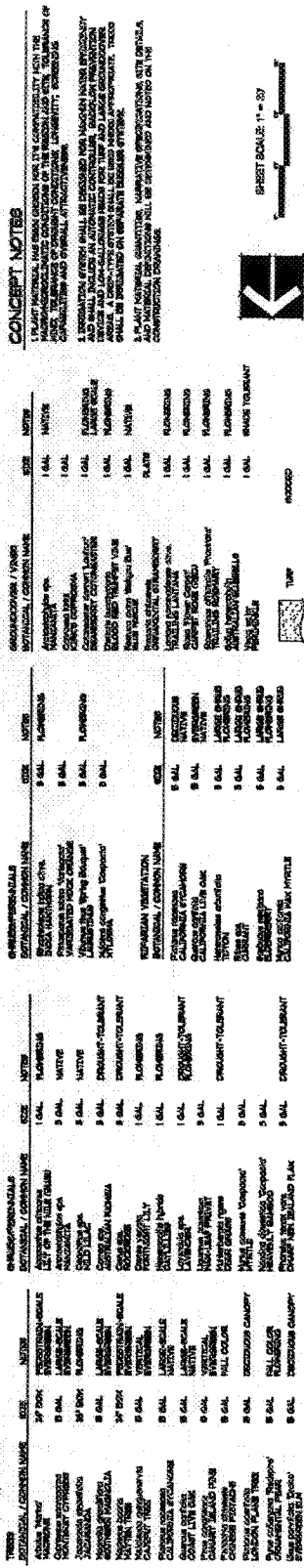
### 3. Broad Street Parcels

The remaining land along Broad Street proposed for rezoning includes approximately 1.8 acres on four separate properties. The properties are currently developed with residential uses. Under the proposed zoning, a total of 24 two-bedroom units could be developed. As a conservative measure, in order to account for possible density bonuses, etc., this EIR assumes a maximum development potential of 36 two-bedroom units.

## E. PERMIT REQUIREMENTS AND APPROVALS

Required approvals and permits for the proposed project include the following:

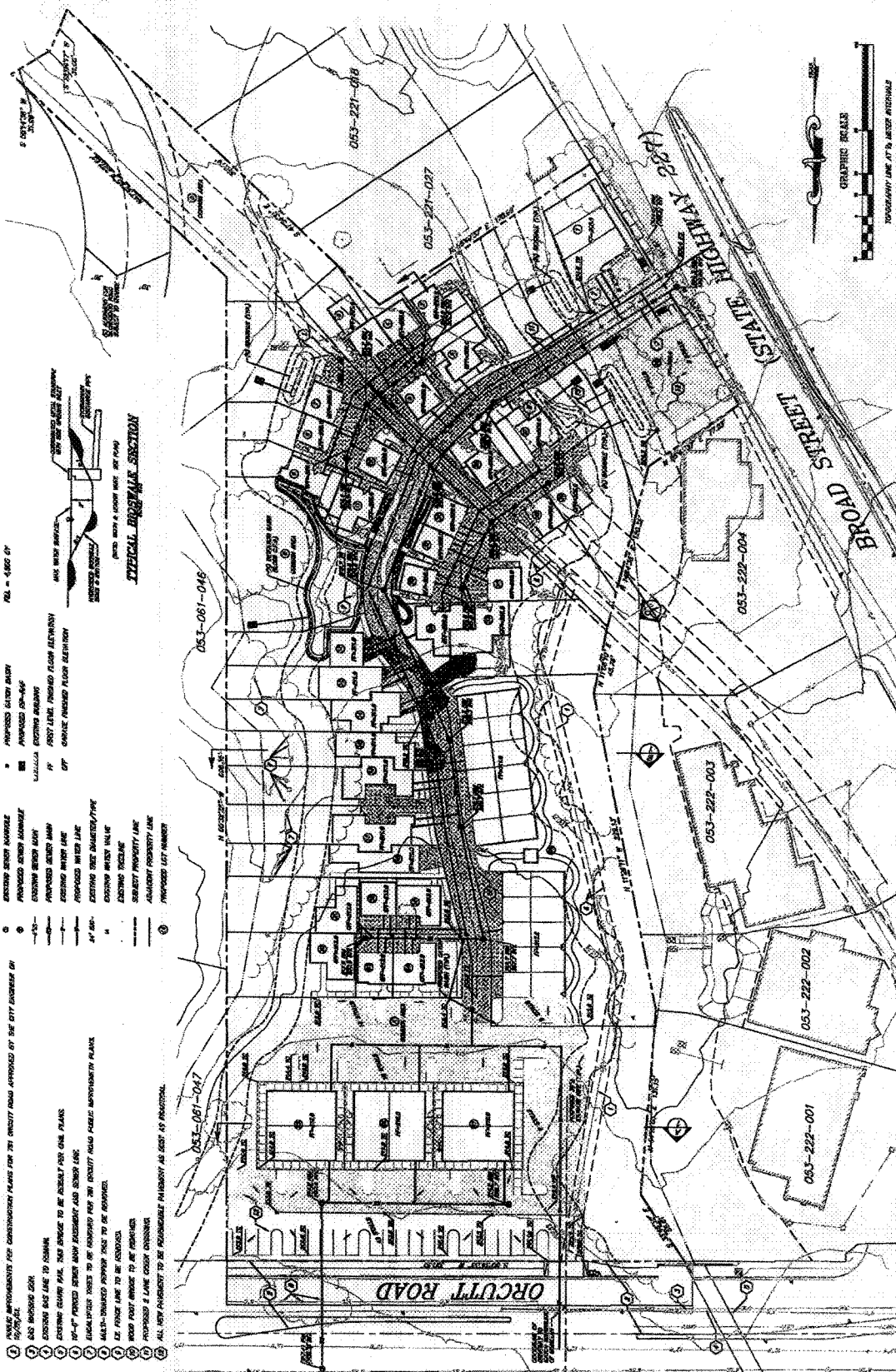
- General Plan Amendment from Services and Manufacturing to High Density Residential for portions of the proposed project site
- Planned Development Rezoning; R-4-PD for the Tumbling Waters portion; R-4-PD and C-S-PD for the Creekstön portion)
- City Planning Commission approval of Use Permit for mixed use portions of the development
- Tentative Tract Map
- City Architectural Review Commission
- Environmental Review
- Caltrans review for any improvements to the Broad Street (State Highway 227) corridor
- Army Corps of Engineers Nationwide or Individual permit (depending on acreage of total wetland disturbance)
- Regional Water Quality Control Board Section 401 Water Quality Certification



CREEKSTON -- PLANTING PLAN  
FIGURE III-10

*Source: Oasis Landscape Architecture and Planning*

*Final EIR*





3-37

There is the potential risk for unknown contaminated sites to exist where unauthorized releases of hazardous materials have occurred (i.e., illegal dumping). The severity and locations of these activities generally remains unknown until effects are detected through public health or environmental emergencies.

There is also a potential risk for naturally occurring sources of hazardous substances (i.e., radon, lead, asbestos, and methane and hydrogen sulfide gases) in certain geologic formations. These occurrences are not required to be reported or managed unless there is a known or suspected threat on public health or the environment. In recent years, Federal, State, and local governmental agencies have responded to such threats through initiating environmental programs including geologic mapping of potential sources of naturally occurring hazardous substances for property development planning and zoning, improved construction standards protective of public health, and air toxic monitoring at known source areas.

#### 4) San Luis Obispo Airport Land Use Commission

The San Luis Obispo County Airport Land Use Commission (ALUC) is an independent body of seven members that has been created in response to the mandates of The State Aeronautics Act, first enacted in 1967. Under this statute, it is the duty of the ALUC:

- to assist local agencies in ensuring compatible land uses in the vicinity of all new airports and in the vicinity of existing airports to the extent that the land in the vicinity is not already devoted to incompatible uses;
- to coordinate planning at the state, regional, and local levels so as to provide for the orderly development of air transportation, while at the same time protecting the public health, safety, and welfare; and
- to provide for the orderly development of the area surrounding the San Luis Obispo County Regional Airport (Airport) so that new developments are not likely ultimately to cause restrictions to be placed on flight operations to or from the airport.

As the means of fulfilling these basic obligations, the ALUC has two basic duties under the Public Utilities Code: To Prepare Airport Compatibility Plans (Airport Land Use Plans) – The Commission is required to prepare and adopt an Airport Land Use Plan (ALUP) for each of the airports within its jurisdiction. In the case of San Luis Obispo County, this requirement applies to the San Luis Obispo Regional Airport (McChesney Field), the Oceano Airport, and the Paso Robles Municipal Airport.

In addition to formulating ALUP's, the ALUC is required to review certain types of action by local counties and cities, which affect the land use in the vicinity of airports to ensure that the action proposed by the referring agency is consistent with the ALUP. Although the ALUC, by law, receives technical support from the County of San Luis Obispo, it is an autonomous body and is not part of any local governmental structure.

The City of San Luis Obispo must, prior to enacting certain ordinances and actions that affect lands within the Airport Planning Area refer such actions to the ALUC. Those local actions include:

338

- general plans and general plan amendments;
- specific plans and specific plan amendments;
- zoning ordinances & zoning ordinance amendments; and,
- building regulations and modifications thereof.

The following sections of the ALUP would be applicable to the proposed project:

#### *Section 4.4.1 (Objectives)*

The objective of the safety policies of this ALUP is to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents and to enhance the chances for survival of the occupants involved in an accident, which takes place beyond the immediate runway environment. An effective approach to accomplishing this objective must include all of the following elements:

- Identifying areas of aviation safety risk;
- Limiting the number of persons on the ground who are exposed to aviation safety hazards by restricting the allowable density of residential and nonresidential development in these areas;
- Reducing the potential severity of an aviation-related incident by prohibiting, in areas of aviation safety hazard, land uses characterized by a limited ability of occupants to evacuate an accident scene;
- Reducing the potential severity of an aviation-related incident by prohibiting, in areas of aviation safety hazard, land uses which include features such as above ground storage of flammable materials, fuel pumping facilities, above ground electric transmission lines or switching facilities, and above ground pipelines carrying flammable materials, which could substantially contribute to the severity of an aircraft accident; and,
- Preserving, in areas subject to aviation safety risk, sufficient open space to afford the pilot of a disabled aircraft a reasonable opportunity to effect an emergency off-airport landing without impacting occupied structures or objects which would reduce the likelihood that the crew and passengers will survive the incident.

#### *Section 4.4.2.1 (Special Function Land Uses)*

For purposes of the ALUP, the term special function land use shall be defined to include certain types of land use that are commonly regarded as requiring special protection from hazards such as aircraft accidents. Land uses for the Four Creeks project include "impaired egress uses," which are land uses where the significant common element is the relative inability of the people occupying the space to move out of harm's way. This includes elementary and secondary schools, hospitals, nursing homes, and other similar uses such as daycare facilities.

#### *Section 4.4.2.2 (High Intensity Land Use)*

For purposes of the ALUP, the term high intensity land use shall be defined as any use that is characterized by a potential to attract dense concentrations of persons to an indoor or outdoor area, even for a limited period of time. High Intensity Land Uses for the Four Creeks project include a day-care center, commercial/retail facilities, multi-purpose building, fitness center, and multi-family residential.

3-39

*Section 4.4.2.4 (Building Coverage)*

For purposes of the ALUP, the term “building coverage” shall mean the total percentage of the gross area of a designated property or group of properties, which is encompassed by the footprint of any structure, whether or not such structure is intended for human habitation.

*Section 4.4.2.5 (Dwelling Units)*

For purposes of the ALUP, a dwelling unit is defined as a structure or part of a structure intended to serve as the residence of an individual, family, or group of unrelated individuals sharing living quarters by mutual consent. For specific housing types, number of dwelling units is to be enumerated as follows:

- Single family detached housing – Each structure shall be counted as one dwelling unit.
- Single-family detached housing with secondary units allowed– Each primary residential structure shall be counted as one dwelling unit and each actual or allowable secondary residential structure shall count as one dwelling unit.
- Duplexes, triplexes, quadriplexes, apartment buildings, condominiums, and town houses – Each structure or part of a structure which can be rented, leased, or sold independently shall be counted as one dwelling unit.
- Rooming houses, boarding houses, long-term residential hotels, and dormitories – Each bedroom shall be counted as 0.5 dwelling unit.

As proposed, the Four Creeks project would develop 261 residential dwelling units.

*Section 4.4.2.7 (Residential Density)*

The term residential density is defined as the maximum number of dwelling units per acre of gross land area allowable under the provisions of a referral to the ALUC. If the area subject to a referred local action encompasses more than one Aviation Safety Area (as shown in Figure 3) residential density must be calculated independently for each Safety Area and standards established by this ALUP must not, except as provided in Policy G-4, be exceeded in any Safety Area. If the area subject to a referred local action encompasses more than one zoning or land use designation, residential density must be calculated independently for each zoning or land use designation and standards established by this ALUP must not be exceeded in any such area.

*Maximum Density of Residential Development*

As shown in Table 10 of the ALUP, the term “maximum density of residential development” denotes the maximum number of dwelling units per gross acre, which may be permitted within any development or on any parcel by a project or action referred to the ALUC. A project or local action which lacks provisions to ensure that any and all future development projects within the referral will be restricted to a density equal to or less than the maximum residential density will be determined to be inconsistent with the ALUP.

*Section 4.4.2.8 (Non-residential Density)*

The definition of the term non-residential density is defined as the maximum number of persons per acre of gross area that a non-residential development is expected to attract during periods of

3-40

use. If the area subject to a referred local action encompasses more than one Aviation Safety Area (as shown in Figure 4 of the ALUP) non-residential density must be calculated independently for each Safety Area and standards established by the ALUP must not, except as provided in Policy G-4, be exceeded in any Safety Area. If the area subject to a referred local action encompasses more than one zoning or land use designation, residential density must be calculated independently for each zoning or land use designation and standards established by this ALUP must not be exceeded in any such area. Standards for calculating nonresidential densities for various land uses are provided in Appendix G of the ALUP.

#### *Section 4.6.2(Overflight Policies)*

Policy O-1 – Notwithstanding any other provision of this ALUP, any proposed general plan, general plan amendment, specific plan, specific plan amendment, zoning ordinance, zoning ordinance amendment, building regulation modification, or individual development proposal will be determined to be inconsistent with the ALUP if the proposed local action lacks sufficient provisions to ensure that both of the following provisions will be carried out:

- i. Avigation easements will be recorded for each property developed within the area included in the proposed local action prior to the issuance of any building permit or conditional use permit; and
- ii. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters) will receive full and accurate disclosure concerning the noise, safety, or overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent, or otherwise occupy any property or properties within the airport area.

#### 5) City of San Luis Obispo Safety Element

The Safety Element focuses on achieving acceptable levels of risk through decisions on land use and the form of development, with consideration for the closely related factor of transportation. The Safety Element provides a broad survey of hazards in the San Luis Obispo area to be used in general land use planning. Pertinent policies of the Safety Element applicable to the Four Creeks project are presented below.

Policy S.1.1 discusses flood damage prevention regulations. This multi layered policy sets standards to reduce floodwaters, limits development within floodplains, and provides guidance to minimize creek disturbances.

Policy S.1.2 addresses standards for design and review of water impoundments.

Policies S.2.1 and S.2.2 address fire prevention and services in urban and wildland areas.

Policy S.3.3 states “Development may be located in areas of high liquefaction potential only if a site-specific investigation by a qualified professional determines that the proposed development will not at risk of damage from liquefaction. The Chief Building Official may waive this requirement upon determining that previous studies in the immediate area provide sufficient information.”

Policies S.4.1 and S.4.2 address hazardous material exposure and operations.



3-41

Policy S.6.1 in the Safety Element of the General Plan states "Development should only be permitted if it is consistent with the San Luis Obispo County Airport Land Use Plan. Prospective buyers of property that is subject to airport influence should also be informed."

Policy S.8.1 suggests means and methods for avoiding and mitigation hazards.

Policy S.8.2.1 states, "The City's Disaster Preparedness Committee will be responsible for planning and coordination of City preparedness activities. With direction from the Disaster Preparedness Committee, the Fire Chief will maintain and annually update a basic plan for emergency response."

#### 6) San Luis Obispo Police Department

The City's Safety Element establishes response performance standards for "recurrent" types of emergencies. The Police Department has set a 30 percent available time objective for patrol response. Available time is the fraction of total time that a patrol unit is not previously assigned or otherwise unavailable for response to a new emergency call for service. During 2004, the available time for all patrol officers on all shifts averaged 29 percent. The time percentage varied greatly depending on day and time, dropping as low as 15 percent. During 25 percent of the patrol shifts, the officer average for available time was 25 percent or below. On average, the Police Department met or exceeded the available time objective during 42 percent of all patrol shifts in 2004 (Blanke 2005).

#### 7) San Luis Obispo City Fire Department

The San Luis Obispo County Office of Emergency Services is responsible for developing a citywide disaster preparedness program. Implementation of the disaster preparedness program is the responsibility of the City Fire Department. The City Fire Department ensures that City forces can provide appropriate relief and rescue services following major disasters like earthquakes, floods, nuclear power accidents, hazardous material spills, and wildland fires. The City provides regulatory framework for disaster response to employees, up to date disaster response plans for City facilities/neighborhoods, and is well equipped with disaster response supplies and equipment.

In addition, the City Fire Department enforces the Uniform Fire Code, which addresses the standards for using and containing flammable, combustible, and hazardous materials. The City of SLO Fire Department is also responsible as a participating agency with the County for administering the Underground Fuel Tank program within the city. This program is collectively responsible for identification and management of facilities or sites that are known or suspected to be contaminated and/or have the potential for unauthorized releases of hazardous materials into the environment.

#### d. Consistency with Plans and Policies


The proposed project has been evaluated for consistency with plans and policies that pertain to hazards and hazardous materials. If potential inconsistencies were identified, impacts are

3-42

discussed in Section V.E.5 below, and mitigation measures have been recommended that reduce or eliminate these inconsistencies.

### 3. Thresholds of Significance

Appendix G of the CEQA guidelines states that a project would normally have significant impact if it would create a potential health hazard or involve use, production, or disposal of materials that pose a hazard to people, animal, or plant populations in the area affected. For the purposes of this analysis, an impact would be considered significant if the project would:

- 
- Create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials;
  - Create a significant hazard to the public or the environment reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment;
  - Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or planned school; or,
  - Result in a safety hazard for people residing or working within an airport land use plan.

In addition to Appendix G, the following thresholds specific to the proposed project have been developed.

- The presence of contaminated soils or groundwater within the proposed project area would be considered significant if workers and/or the public would be exposed to contaminated or hazardous materials during construction activities and such exposure exceeds permissible exposure levels set by Cal/OSHA in CCR Title B and the Federal OSHA in Title 29 CFR Part 1910.
- Impacts of the proposed project on the environment would be considered significant if construction resulted in soil contamination, including flammable or toxic gases, at levels exceeding Federal, State and local hazardous waste limits established by 40 CFR Part 261 and Title 22 CCR 66261.21, 66261.22, 66261.23, and 66261.24.
- Fuel service stations have inherent hazards in their daily operations and require the use of flammable/combustible liquids. Fire or explosion can occur during fuel delivery, spill/overfill or accident (i.e., vehicle, cigarette, electrical, etc.). These hazards pose a potentially significant impact to public health and safety. Any major or long-term release of gasoline would be considered a significant impact because it could potentially affect surface and/or groundwater quality. The seriousness of such a release would be significant because of the down gradient nature of the project site in relation to surrounding fueling stations.
- Spill of flammable materials in sensitive creek habitats (fuels, lubricants) during construction.
- The proposed project would result in potentially significant impacts if the project would result in substantial adverse physical impacts associated with provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times

3-43

c. Transportation Hazards

1) Airport Land Use Plan (ALUP) Consistency

The project site is located within Safety Area S-2 of the San Luis Obispo Regional Airport Planning Area. Aviation Safety Areas have limits placed on the development potential because of the inherent risk associated with aircraft over-flights. The objective of the safety policies of the ALUP is to minimize the risks to the safety and property of persons on the ground associated with potential aircraft accidents and to enhance the chances for survival of the occupants involved in an accident that takes place beyond the immediate runway environment. The project site is within the S-2 Aviation Safety Area where aircraft operations at 500 to 1,000 feet above the ground are anticipated.

In order for the proposed residential density to be approved by the ALUC, an Airport Compatible Open Space (ACOS) Plan must be developed. The ACOS must provide for the establishment, protection, and maintenance in perpetuity of a portion of the area as Reserve Space (as defined in Section 4.4.2.3. of the ALUP). Reserve Space areas should be located so as to mitigate existing aviation safety risks to the greatest degree possible. As defined in the ALUP, Reserve Space is land which: a. Meets the design criteria specified in ALUP Table 8 (p. 24); and, b. Is restricted in perpetuity by deed restriction, easement, or other suitable legal instrument to uses characterized by low occupancy levels and substantially free of structures. Land uses which may, if the standards established in ALUP Table 8 are met, be consistent with this definition of reserve space include:

- Undeveloped land – “green belt” reserve
- Parks
- Agriculture
- Certain low intensity recreational uses – e.g., golf courses, shooting ranges
- Cemeteries

According to ALUP criteria Special Function Land Uses, such as the proposed day care facility, can only be approved in Aviation Safety Area S-2 with the approval of a Detailed Area Plan (DAP). The DAP can be a development plan, such as proposed by the applicants, and shall meet the following criteria:

- a. The Detailed Area Plan shall be contained within a general plan or amendment thereto, a specific plan or amendment thereto, or a local zoning ordinance which must, under the terms of the California Public Utilities Code, be referred to the ALUC for a mandatory determination of consistency with respect to the ALUP.
- b. Input from the ALUC should be sought throughout the development of a Detailed Area Plan.
- c. The Detailed Area Plan shall, at a minimum, provide:
  - i. Specific indication of the maximum density of residential and nonresidential development that will be permitted at each parcel within the Detailed Plan area, together with provision that no building, use, or occupancy permit will be issued for any development which exceeds the established maximum densities of development.
  - ii. Sufficient information to enable the ALUC to determine that the nonresidential densities allowed within the Detailed Plan area are in conformance with the

344

Maximum Density of Use (Non-Residential) figures specified in Table 10 of the ALUP.

- iii. Sufficient information to enable the ALUC to determine that the residential densities allowed within the Detailed Plan area are in conformance with the figures specified in Table 10 of the ALUP.
  - iv. Sufficient information to enable the ALUC to determine that the residential densities allowed at each parcel within the Detailed Plan area are in conformance with the Maximum Density of Residential Development figures specified in Table 10 of the ALUP.
  - v. Specific indication of any parcels at which Special Function or High Intensity land uses will be permitted, together with an explicit provision that such uses are prohibited at all other sites within the Detailed Plan area.
- d. The Detailed Area Plan shall contain provisions sufficient to ensure that all development within the Detailed Plan area will conform to the Noise, Airspace Protection, and Overflight Policies of the ALUP.

If the ALUC approves an ACOS Plan or Detailed Area Plan for the project site the project could be consistent with the ALUP. The City is currently pursuing approval of an ACOS that would cover the project site. If the ALUP determines that the proposed project is consistent with the ALUP, safety impacts from airport operations would be adequately addressed and impacts would be considered less than significant. Inconsistencies with ALUP are described in the following sections.

(a) Maximum Residential Development Density

The term "maximum density of residential development" denotes the maximum number of dwelling units per gross acre that may be permitted within any development or on any parcel by a project or action referred to the ALUC. According to ALUP policies, "a project or local action which lacks provisions to ensure that any and all future development projects within the referral will be restricted to a density equal to or less than the maximum residential density will be determined to be inconsistent with the ALUP." The maximum residential density allowed in the ALUP for Safety Area S-2 is six dwelling units/acre, or 12 dwellings per acre with an approved ACOS plan, or 18 units per acre with an approved ACOS plan and a DAP.

The proposed project, including the Creekstön, Tumbling Waters, and Broad Street Parcels components, consist of 11 parcels totaling approximately 22.92 gross acres (gross land area includes up to half of the adjacent street and railroad right-of-way). Under the proposed rezoning and development plans, the proposed project would result in the development of 261 dwelling units, with an overall residential density of 11.38 dwelling units per acre. Based on the allowable density of 6 dwelling units per acre identified in the ALUP, the proposed project site would be limited to total 106 dwelling units. The approval of an ACOS plan would allow for 12 dwellings per acre, or 275 total dwelling units (refer to Figure HAZ-1). The approval of an ACOS plan and a DAP would allow for 18 units per acre, or 412 total dwelling units.

As proposed, the proposed project is inconsistent with the maximum allowable residential density policy identified in the ALUP. The ALUP does allow for adjustments to policies in the form of "density adjustments." A maximum residential density-adjustment would be required for



3-45

the proposed project's residential intensity, which is necessary to achieve consistency with the ALUP. An adjustment can be obtained by preparing an ACOS Plan and/or a Detailed Area Plan, which meets Minimum Reserve Space Requirements outlined in the ALUP.

**HAZ Impact 1** Development of the proposed project would increase residential density within San Luis Obispo Regional Airport S-2 Safety Area, inconsistent with safety-related policies of the ALUP, resulting in a direct long-term safety impact.

**HAZ/mm-1** Prior to development plan, rezoning, or general plan amendment approval by the City Council, the proposed project must be referred to the ALUC for a consistency determination with the ALUP. The ALUC must determine that the proposed residential density is consistent with the ALUP; or, the applicant shall submit revised plans that show a reduction in proposed residential density, consistent with ALUP requirements. *The proposed project may not be approved by the City Council unless it is determined to be consistent with the ALUP by the ALUC.*

**HAZ/mm-2** Prior to recordation of final map, the applicant shall develop Covenants, Codes, and Restrictions (CC&Rs) that disclose to potential buyers or leasers that aircraft over-flights occur, and that such flights may result in safety hazard impacts should an aircraft accident occur. In addition, prior to recordation of final map, aviation easements shall be recorded over the entire project site for the benefit of the SLO County Regional Airport.

**Residual Impact** Implementation of the above measures along with adherence to Zoning Regulation requirements would mitigate ALUP inconsistencies and associated safety impacts to *less than significant with mitigation, Class II.*

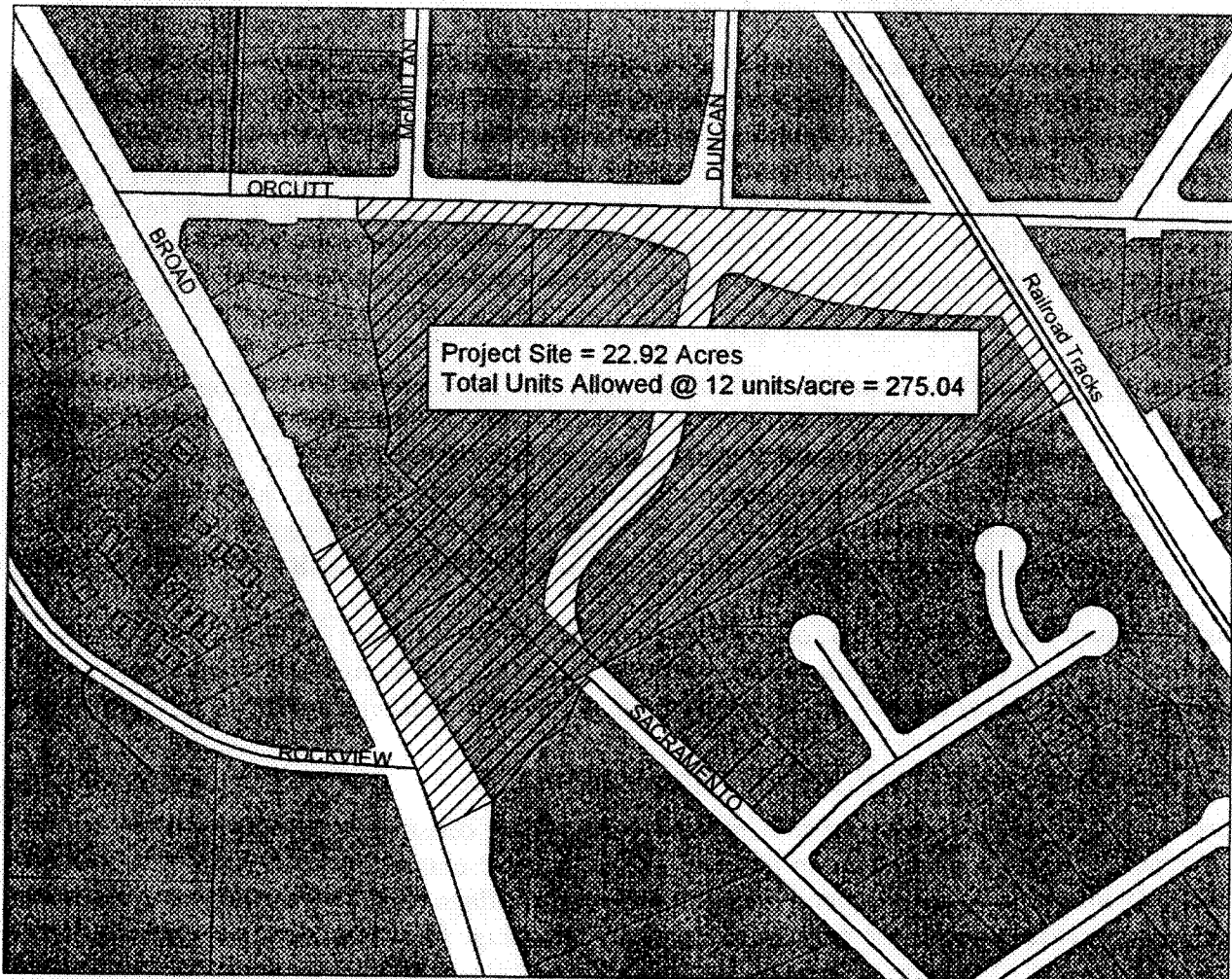
(b) Maximum Non-Residential Densities

Figure 8 of the ALUP identify the maximum non-residential density for Safety Area S-2 at 60 persons per acre, or 1,375 maximum persons per acre for the entire 22.92-acre site (gross). As proposed, Tumbling Waters component would develop a "Village Core", located in the center of the proposed residential development, which includes a "Village Green" for individual and group activities. Located within the village green would be a 2,750 square-foot multipurpose building and fitness center ("Village Hall"), a "Tot Lot Playground", "Village Water Gardens", and a paved outdoor plaza ("Village Plaza") that includes a school bus drop-off/pick-up and that can be closed-off for community events.

Portions of the Creekston component fronting Orcutt Road and Broad Street are proposed mixed-use building types. At the ground levels are Service Commercial (C-S) spaces that the applicant has intended for a small local market, deli, office space, or coffee house. In addition, in the C-S space along Orcutt Road, the applicant is proposing a 2,500 square-foot daycare facility. Development of the proposed project would not exceed the maximum allowable non-residential densities identified in the ALUP. No impacts are anticipated and no mitigation measures are warranted.

3-46

Source: City of San Luis Obispo Community Development Department



NORTH  
Not to Scale

RESIDENTIAL DEVELOPMENT DENSITY  
(WITH APPROVED ACOS)  
FIGURE HAZ-1

3-47

(c) Special Function Land Uses

The Creekstön component proposes a large day-care facility that would be located within the S-2 Safety Area, inconsistent with the policies contained in the ALUP, resulting in a safety hazard impact. The day-care facility is designated as a Special Function Land Use by the ALUP, and is prohibited in the specified Aviation Safety Area unless the proposed development is controlled by an approved ACOS plan and DAP that have been approved by the ALUC.

**HAZ Impact 3** Development of the Creekstön component of the proposed project would introduce a day-care facility within San Luis Obispo Regional Airport S-2 Safety Area. This is inconsistent with the policies of the ALUP and would result in a significant long-term impact.

**HAZ/mm-5** Prior to development plan, rezoning, or general plan amendment approval, by the City Council, the project must be referred to the ALUC for a consistency determination with the ALUP. The ALUC must determine that the proposed Special Function Land Use is consistent with the ALUP; or, the applicant shall submit revised plans showing that the proposed Day Care Facility has been eliminated from the proposal. *The proposed project may not be approved by the City Council unless it is determined to be consistent with the ALUP by the ALUC.*

**Residual Impact** Revision of Creekstön project plans or development of an ACOS Plan would mitigate ALUP inconsistencies and associated safety impacts to *less than significant with mitigation, Class II.*

(d) Maximum Building Coverage

The maximum building coverage as outlined in the ALUP shall be no more than 20 percent of the gross land area. The existing proposed project plans show proposed building coverage for both Tumbling Waters and Creekstön components that exceed 20 percent of the gross land area. The proposed building footprints are inconsistent with the policies of the ALUP, and are considered a significant impact. According to Table 10 of the ALUP, if an ACOS plan is approved by the ALUC, limitations on building coverage no longer apply.

**HAZ Impact 4** Development of the proposed project would exceed the maximum building coverage allowed within S-2 Safety Area of the San Luis Obispo Regional Airport. This is inconsistent with the policies of the ALUP and would result in a significant long-term impact.

**HAZ/mm-6** Prior to development plan, rezoning, or general plan amendment approval, by the City Council, the project must be referred to the ALUC for a consistency determination with the ALUP. The ALUC must determine that the proposed Building Coverage is consistent with the ALUP; or, the applicant shall submit revised plans showing that the 20 percent building coverage limitation has been met. *The proposed project may not be approved by the City Council unless it is determined to be consistent with the ALUP by the ALUC.*

3-48

Residual Impact Implementation of the above mitigation measure would mitigate ALUP inconsistencies and associated safety impacts to *less than significant with mitigation, Class II*.

## 2) Railroad and Roadway Hazards

Operation and maintenance of rail lines over the years has resulted in varying levels of soil and groundwater contamination (e.g., railroad ties are treated with creosote, a wood preservative that causes soil and groundwater contamination) within railroad right-of-ways. Despite efforts to restrict access and discourage dumping, roadway and railroad right-of-ways have occasionally been used for unauthorized disposal, possibly including hazardous substances. Railroads and roadways are used to transport a significant amount of hazardous materials in California. Hazardous materials are transported through the project area on a daily basis by the UPRR and truck shipments by various companies (e.g. petroleum products, and hazardous materials shipped to and from the industrial area to the south).

Surface soil samples were collected in the UPRR right-of-way and analyzed in the Phase II Environmental Assessment. The analysis concluded that metals and petroleum hydrocarbons were not detected in quantities above regulatory thresholds observed by local or State regulatory agencies. Currently, regulations require the reporting of accidental releases of hazardous materials above certain chemical-specific reporting thresholds. Existing hazardous material levels sampled within the UPRR right-of-way are insignificant.

While railroad accidents related to hazardous materials spills are rare, railroad accidents are a possibility. Development of the proposed project along the UPRR tracks would increase the potential for exposure to hazardous materials. The County Office of Emergency Services, in conjunction with SLO City Fire Department would coordinate emergency response and evacuation of the project site should a derailment occur in the vicinity (the City of SLO does not have emergency evacuation procedures by neighborhood area).

Derailment of rail cars carrying hazardous materials and traffic accidents on surrounding roadways could result in contamination and poses a significant safety hazard for residences located adjacent to railroad and City roadways. This safety hazard is magnified with the presence of residences that are located adjacent to an at-grade crossing. While railroad accidents related to hazardous materials spills are rare, railroad accidents at the project site are a possibility. Portions of the proposed Tumbling Waters development adjacent to UPRR tracks would result in construction of residential structures within 20 to 25 feet of the UPRR right-of-way. If an accident or derailment were to occur, the possibility exists not only for an accidental release of hazardous materials, but that train engines or cars could crash into residential structures.

The proposed project would also extend Sacramento Drive from its current terminus south of the project site, and extended north, through the project site to a new intersection with Orcutt Road. Hazardous materials are routinely transported to and from the industrial area to the south. By developing an alternative link to the industrial area through the proposed project, the low-probability exists that a traffic accident could occur, exposing residents within the proposed project to an accidental release of hazardous materials.

3-49

d. San Luis Obispo Airport Land Use Plan

Noise thresholds for operations occurring at the San Luis Obispo Regional Airport would be subject to the transportation standards shown in Table NS-4. Figure NS-2 provides the projected noise contours for the airport assuming runway buildout conditions. For projects located within the different noise contours, varying levels of noise mitigation is required by the ALUC. The project site is not located within any identified noise contour that would require mitigation.

4. Impact Assessment and Methodology

a. Transportation Noise Assessment

1) Vehicle Traffic

From a practical standpoint, the peak-hour Leq noise level is essentially equivalent to the Ldn noise level previously discussed. For most situations involving noise from vehicular traffic, the peak-hour Leq can be used as the Ldn level, avoiding the need for 24 hours of continuous measurement. Peak hour Leq was the methodology used in evaluation of noise impacts for the proposed project.

The procedure for assessing vehicular traffic noise impacts included measuring the peak-hour noise levels at select locations on the project site, and counting the traffic generating the noise during the period of measurement. The measured peak-hour noise levels were then adjusted logarithmically to determine the "future" noise levels by using the estimated traffic volume predictions for various road segments contained in the Transportation and Circulation section of the EIR. Logarithms were used because they produce linear correlations, which can then be used to more readily evaluate future noise levels. Generally speaking, doubling the traffic volume would produce a 3 dB increase in the ambient noise environment.

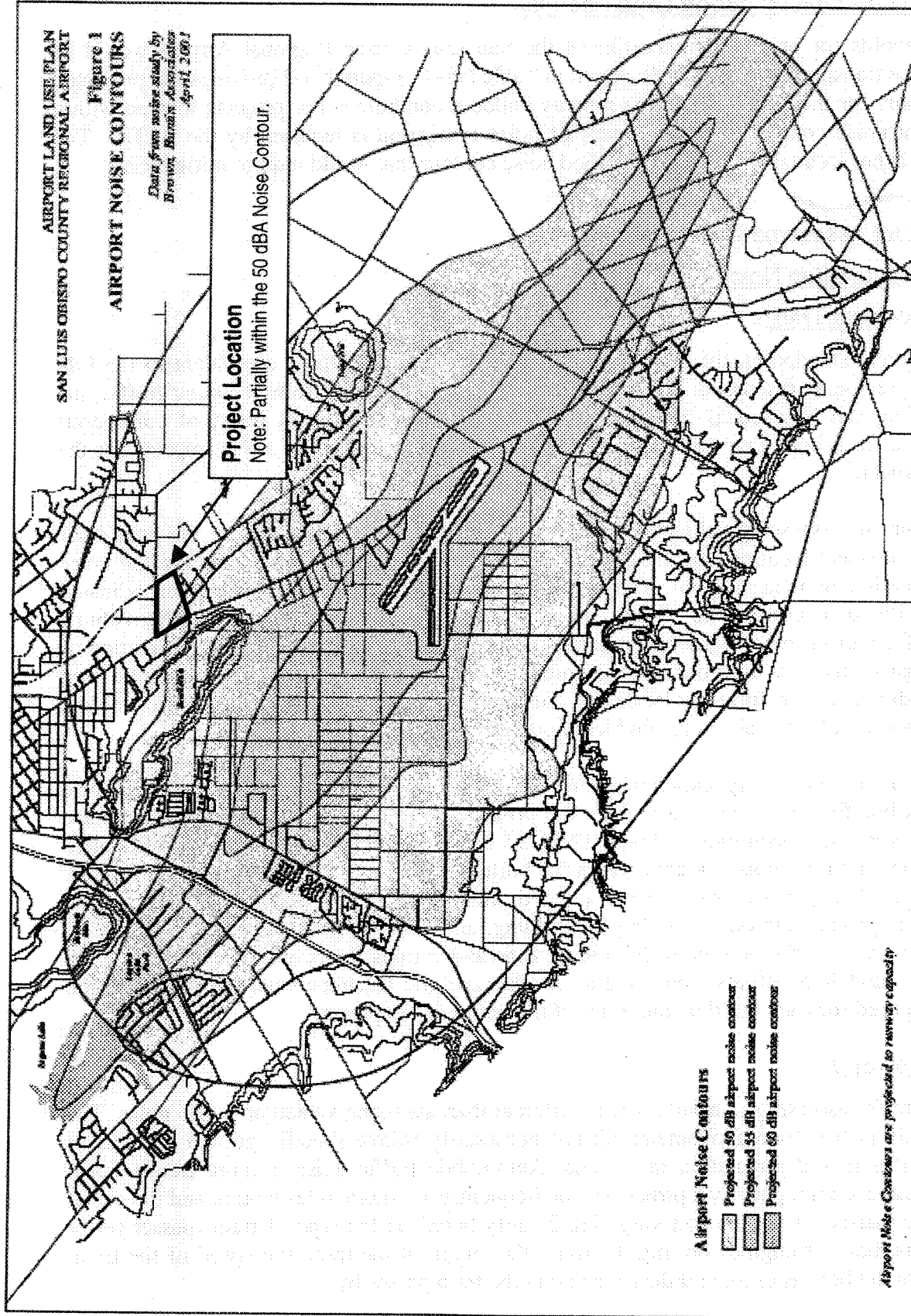
The noise contours previously shown in Figure NS-2 have not been used as the definitive noise levels for all building elevations throughout the project site in defining mitigation areas. Noise mitigation analysis has been modeled with TNM 2.5 using the site-specific project development scenario, which includes noise modeling with the building footprints and elevations as proposed. The peak-hour (Ldn) noise levels were entered into TNM 2.5 to determine noise levels throughout the project site on a building-by-building, and floor-by-floor basis. Once TNM 2.5 noise modeling was performed for each building zone and various floors of the development, the results of the modeling outputs were used to develop specific locations where noise mitigation would be required for each building and floor of the entire development.

2) Railroad

The procedure for assessing railroad noise is different than assessing vehicular traffic noise. The reason for this is that train movements do not necessarily follow specific growth patterns or increase with increased population in an area. Automobile traffic noise is more frequent and continuous, trains do not pass by a project site as frequently as automobiles would, and the actual noise episode caused by a train can vary significantly based on the type of train (passenger or freight), the number of engines driving the train, the length of the train, the speed of the train, whether or not the horn is used, and the time of day the train passes by.



3-50



SLO REGIONAL AIRPORT NOISE CONTOURS  
FIGURE NS-3

4. A complete application for Architectural Review shall include a detailed description of all private and common outdoor areas on the project site, and how these areas comply with the noise attenuation requirements provided in the Final EIR.
5. A complete application for Architectural Review shall include a detailed description, including product samples and maintenance requirements, for the proposed on-site decorative paving. The drive aisles shall meet the access requirements for emergency vehicles and garbage collection, including the ability to support the imposed loads of a 60,000 pound fire apparatus.
6. The site plan shall be revised to incorporate at least three garbage enclosures suitable for storing 5-yard bins for refuse and recycling. The enclosures shall be designed in a manner consistent with the requirements of SLO Garbage Company, and the designs shall be submitted to the City for review as part of a complete application for Architectural Review.
7. Avigation easements, consistent with City and County procedures, shall be recorded for the entire project site, prior to recordation of the Final Map for the project, to the approval of the Community Development Director.
8. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters), will receive full and accurate disclosure concerning the noise, safety, and overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent or otherwise occupy any property or properties on the project site. Real estate disclosure forms and notifications in the project's CC&R's shall be used to satisfy this requirement, to the approval of the Community Development Director.
9. No more than two guaranteed affordable units may be located within the same building.
10. The value of the proposed public art shall be based on the total project value, not to exceed \$50,000, per the public art ordinance requirements.
11. A minimum setback of 5 feet shall be provided from the edge of the open space easement located adjacent to lots 35 and 36 to allow for construction and maintenance of the proposed buildings without encroaching into the easement area.
12. Motorcycle parking spaces shall be provided per City standards for the commercial portion of the project.
13. Avigation easements, consistent with City and County procedures, shall be recorded for the entire project site, prior to recordation of the Final Map for the project, to the approval of the Community Development Director.

- construction of the proposed bridge over the creek, between project sites. The design of the bridge shall be submitted to the City as part of a complete application for Architectural Review and shall be constructed prior to occupancy of any commercial floor area developed along Orcutt Road, to the approval of the Community Development Director.
4. A complete application for Architectural Review shall include a detailed description of all private and common outdoor areas on the project site, and how these areas comply with the noise attenuation requirements provided in the Final EIR.
  5. A complete application for Architectural Review shall include a detailed description, including product samples and maintenance requirements, for the proposed on-site decorative paving. The enhanced paving at the village hall and driveway intersection with Sacramento Drive shall meet the access requirements for emergency vehicles and garbage collection, including the ability to support the imposed loads of a 60,000 pound fire apparatus. Any enhanced paving proposed in the public right-of-way shall be designed to the approval of the City Engineer and shall include agreements to insure ongoing maintenance of the paving by the Homeowner's Association, even in the event that City crews unearth the roadway in order to service utilities.
  6. The site plan submitted to the Architectural Review Commission shall be designed in a manner consistent with the requirements of SLO Garbage Company. Residents of the project shall be required to have individual, on-site garbage collection. Refuse and recycling containers (waste wheelers) may not be collected on Sacramento Drive.
  7. Modifications to the City's Property Development Standards approved as part of this Planned Development are limited to those listed in Exhibit B of the resolution (Attachment 3).
  8. Avigation easements, consistent with City and County procedures, shall be recorded for the entire project site, prior to recordation of the Final Map for the project, to the approval of the Community Development Director.
  9. All owners, potential purchasers, occupants (whether as owners or renters), and potential occupants (whether as owners or renters), will receive full and accurate disclosure concerning the noise, safety, and overflight impacts associated with airport operations prior to entering any contractual obligation to purchase, lease, rent or otherwise occupy any property or properties on the project site. Real estate disclosure forms and notifications in the project's CC&R's shall be used to satisfy this requirement, to the approval of the Community Development Director.
  10. No more than 50% of the units in any one building may be designated for guaranteed affordability.

## Exhibit C – Creekston Use List (C-C-PD Zone)

3-53

**Staff proposed use list for Creekston, Community Commercial Planned Development****1. Allowed Uses:**

- ATMs
- ~~Auto parts sales, without installation~~
- Banks and financial services
- ~~Building and landscape materials sales, indoor~~
- ~~Business support services~~
- Caretaker quarters
- Convenience store
- Copying and quick printer service
- Day care – Day care center
- ~~Day care – Family day care home~~
- ~~Fitness/health facilities~~
- Furniture, furnishings, and appliance stores
- General retail – 2,400 sf or less (maximum total General Retail floor area for project)
- Groceries, liquor, specialty foods
- Medical service – Doctor office (above ground floor)
- Mixed-use project
- Office – Accessory (above ground floor)
- Office – Business and Service (above ground floor)
- Office – Production and administrative (above ground floor)
- Office – Professional (above ground floor)
- ~~Office supporting retail, 2,000 sf or less~~
- Personal services
- ~~Photographer, photographic studio~~
- ~~Recreational vehicle as temporary dwelling (See Section 17.08.010.C.4)~~
- Residential support services
- Restaurant
- ~~School – Specialized education/training (Director's approval on ground floor; allowed above)~~
- Social service organization
- Studio – Art, dance, martial arts, music, etc.
- Transit stop
- Vending machine (See Section 17.08.050)
- Veterinary clinic/hospital, boarding, small animal, indoor

**Uses Allowed with Director's or Chief Building Official's Approval by Letter:**

- Office – Temporary, real-estate sales office in tract
- Office – Temporary, on-site mobile home as a construction office
- Outdoor temporary and/or seasonal sales

**Uses Allowed with Director's Approval Use Permit:**

- ~~Bar/tavern~~
- ~~Building and landscape materials sales, outdoor~~
- ~~Catering service~~
- Club, lodge, private meeting hall
- Commercial recreation facility – Indoor

**Exhibit C – Creekston Use List (C-C-PD Zone)**

3-54

- ° ~~Concurrent Sales of alcoholic beverages and motor fuel~~
- ° ~~Extended hour retail~~
- ° ~~General retail—More than 2,000 sf, up to 15,000 sf~~
- ° ~~General retail—More than 15,000 sf, up to 45,000 sf~~
- ° ~~General retail—More than 45,000 sf, up to 60,000 sf~~
- ° ~~Library, museum~~
- ° ~~Library, branch facility~~
- ° ~~Medical service—Clinic, laboratory, urgent care~~
- ° ~~Medical service – Doctor office (ground floor)~~
- ° ~~Night club~~
- ° ~~Office – Accessory (ground floor)~~
- ° ~~Office – Business and Service (ground floor)~~
- ° ~~Office – Production and administrative (ground floor)~~
- ° ~~Office – Professional (ground floor)~~
- ° ~~Parades, Carnivals, Fairs, Festivals~~
- ° ~~Parking facility—Temporary~~
- ° ~~Public assembly facility~~
- ° ~~Recycling facilities—Small collection facility~~
- ° ~~Religious facility~~
- ° ~~School—Specialized education/training\*~~
- ° ~~Service station~~
- ° ~~Special event~~
- ° ~~Studio – Art, dance, martial arts, music, etc.~~
- ° ~~Temporary or Intermittent Uses~~
- ° ~~Theatre~~
- ° ~~Vehicle services—Carwash~~
- ° ~~Warehouse stores—45,000 sf or less gfa~~

**Uses Allowed with Planning Commission Approval:**

- ° Antennas and telecommunications facilities
- ° ~~General Retail—More than 60,000 sf, up to 140,000~~
- ° ~~Homeless shelter~~
- ° ~~Vehicle services—Repair and maintenance—Minor~~
- ° ~~Warehouse stores—more than 45,000 sf gfa~~